The Human Rights Center *Viasna*

Review-Chronicle
of Human Violations in Belarus in 2009

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Review-Chronicle of Human Rights Violations in Belarus in 2009

The book was prepared on the basis of the short reviews of human rights violations in each month of 2009. It opens with a general analysis of the socio-political situation during the specified period, a description of the important events and the reaction of the international community to them. This is followed by concrete facts of human rights violations illustrating the history of struggle of the Belarusian democratic community for the fundamental rights and freedoms. Politically motivated criminal and administrative persecution, trampling of the freedom of speech, prohibition of peaceful assemblies and denial of the right to association are among the most frequent violations. The book also features photos from the internet sources

photo.bymedia.net, nn.by, svaboda.org, spring96.org

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A year of disappointed hopes

2009 passed with hopes arising from the rhetoric of Belarusian authorities about beginning serious reforms within the socio-political life of the country. In response to the promise 'to do the homework' given to Belarus by the European Union, political contacts with Aliaksandr Lukashenka were unfrozen. In particular, A.Lukashenka had meetings with Pope Benedict XVI in the Vatican, President of Lithuania Dalia Grybauskaite in Vilnius and with President of Italy Silvio Berluskoni and the EU representative Javier Solana in Minsk. Belarus was unconditionally included in the Eastern Partnership*, the EU program for cooperation with six post-Soviet countries. We should also mention the huge credits that were issued in 2009 to the Belarusian government by the World Band and other Western financial institutions.*

At the same time, the European Union redefined its conditions for improving relations with Belarus. Their number was reduced to five:

1. Absence of political prisoners;
2. Freedom of mass media;
3. Reform of election legislation;
4. Improvement of conditions for NGOs;
5. Freedom of peaceful assemblies and political associations.

The analysis of the events that took place in the country in 2009 brings deplorable conclusions. The domestic changes that were so strongly promoted to the foreign audience by the Belarusian authorities were either avoided altogether or were insignificant. Despite the absence of large political campaigns this year, authorities continued to actively use the repressive methods of social control they had developed during previous years. The tactics of reprisals against civil activists were changed by decreasing the evident formal side and extending the range of completely unlawful means of pressure, including violent beating and torture of detained activists, their abductions by security services by taking them out of their domiciles by vehicles.

The number of arrests within the boundaries of administrative legislation decreased. At the same time, the number of large fines imposed on civil activists for participation in pickets and other actions of protest and dissemina-

tion of information went up. The KGB continued its active struggle against civil society activists, especially youth, resulting in numerous attempts of blackmail, pressurization and recruitment of young activists. Drafting young activists into the army under the control of security services continued. Cases of expulsion from educational establishments were celebrated, with the aim to intimidate other students, and cases of non-extension of labor contracts to civil activists.

The suppression of the rights of national minorities continued as well. In particular, after the split of the Union of Poles in Belarus (UPB) that had been inspired by the Belarusian authorities several years ago, the pro-regime UPB enjoyed support and recognition, whereas activists of the disgraced Union of Poles in Belarus, headed by Anzhalika Borys (who was legally elected the UPB Chairperson before the split), faced different obstacles and repressions including fines, detentions and arrests.

Despite the determined position and activism of the Belarusian society and the European Union, the authorities did nothing to abolish the death penalty or at least introduce a moratorium on it. They repealed neither Article 193.1 of the Criminal Code that penalizes activities on behalf of unregistered organizations, nor the articles of the Criminal Code concerning offense of duty officials or the President. The latest amendment of the Election Code didn't change its core, which still lets the executive authorities control the results of the electoral process completely. There was no visible progress in the registration of private media in the country. The authorities still refuse to register private media and retain almost a complete control over the country's information market.

The most eloquent facts presented in our monthly reviews prove that, despite the changes in their rhetoric, Belarusian authorities still pursue the goal of remaining at power by any means.

Civil and political rights are still violated on mass scale in the country. Belarusian authorities continue to violate the Constitution and to ignore their international undertakings. An authoritarian regime persists in the country.

Human rights defender Ales Bialiatski

Review-Chronicle of Human Rights Violations in Belarus in January 2009

The universal financial crisis did not pass Belarus. The National Bank set a new currency exchange rate, as a result of which the Belarusian ruble was at once devalued by 20%, which inflicted a loss on ordinary citizens and the importers who bought goods for currency.

The most celebrated human rights violations in January were the forced detentions of young activists Zmitser Khvedaruk, Ivan Shyla and Franak Viachorka, with subsequent drafting into the army. In its public statement the Human Rights Center *Viasna* called it a revival of the practice of using military service to neutralize civil and political activists. The unregistered youth organization *Young Front* held protest actions against these repressive measures. In its public address to the Ministry of Defense, the organization demanded that politically motivated persecution of youth be stopped and the drafting be conducted objectively and in line with the Belarusian legislation.

In January, a number of working groups and advisory councils were established at various state bodies in Belarus. Representatives of public circles were actively invited to these institutions. On 31 January 2008, Siarhei Sidorski, Head of the Government, signed the order to establish an inter-agency working group for planning the development of the country's marketing. The working group comprised 14 people, two of whom did not represent any state agencies: Deputy Chairperson of the United Civil Party Yaraslau Ramanchuk and Director of the *Novak* laboratory for axiometric research, Chairperson of the Belarusian Institute of Strategic Studies Andrei Vardamatski.

Yaraslau Ramanchuk decided to leave the working group a month after its establishment. 'My work in this institution again proves that the main problem of the Belarusian administrative economy is the actual absence of

government. Instead of it, there is chaos, inertia and constant squabble. The people cannot reach an agreement even if they want to. That's why there is no use speaking of any changes in the country unless the principles of governing change,' commented Mr. Ramanchuk.

On 16 January, Zhana Litvina, Chairperson of the Belarusian Association of Journalists; Iosif Siaredzich, chief editor of the *Narodnaya Volia*; and Alena Mironava, chief editor of *Komsomolskaya Pravda v Belorussii*; received an official proposal to join the public coordinating council in the sphere of mass information, established by the Soviet of Ministers.

On 26 January it became known that a public-consultative council was being established at the Presidential Administration. According to Natallia Piatkevich, the first Deputy Head of the Presidential Administration, 'the council is established for discussing daily issues of civil and political development of Belarusian society'. The authorities intended to invite to the council some representatives of public circles.

On 14 January a session of the European Parliament in Strasbourg adopted a Resolution on Belarus by 559 votes to 15. According to this document, for a considerable improvement of relations with the European Union, Belarus should remain a country without political prisoners and the government should guarantee the freedom of media, continue the cooperation with the OSCE on reforming the election legislation, improve the conditions for activities of NGOs and guarantee freedom of assemblies and political associations.

Freedom to peaceful assemblies

10 January more than 60 parents whose children studied in Poland at the Kalinouski Educational Program, organized for the people who had been expelled from the Belarusian high schools because of their political activities, gathered for an assembly at St. Symon and Alena Church in Minsk. Some of the parents arrived from other towns and cities of Belarus. Singer Zmitser Vaitsiushkevich and poet Henadz Buraukin also intended to take part in the event. However, before the beginning of the assembly representative of the Minsk city executive committee (according to some other information – from the State Committee on Religions) Rumiantsava phoned the church and banned the event without any explanation.

The Minsk city executive committee did not grant the petition lodged by residents of the Kurasoushchyna suburb in Minsk to hold an anti-alcoholic rally on 10 January. The officials stated that the chosen action site failed to meet legal requirements, and the procession on the chosen route would block traffic. As said by Leanid Skarabahaty, an initiator of the action, the organizers of the event were not going to give up and would seek legal ways to campaign against people's alcoholism.

At the end of January, the International Education Center (IBB) refused to accommodate the constituent assembly of the Belarusian Christian Party, scheduled for 28 February. IBB representatives told the applicants that the application was correct and the hall of the education center would be free on 28 February, but the founders of the center decided not to lend it for the event (the IBB was established by the Minsk city executive committee and German partners).

Uladzimir Katsora, Chairperson of the organizing committee of the *For Freedom* in Homel oblast, received a letter confirming that his complaint was accepted for consideration by the UN Human Rights Committee. The complaint concerned an electoral meeting with Aliaksandr Milinkevich organized by Mr. Katsora in February 2008. Uladzimir produced and distributed leaflets with invitations to the event, which was deemed as a violation of the law *On mass events*, as a result of which the activist was sentenced to seven days of arrest. Trying to obtain justice, Uladzimir Katsora passed all court instances in Belarus and then lodged a complaint with the UN. By the way, during the last two years U.Katsora has been arrested five times because of his political activities. He spent a total of 40 days in jail, 17 of them for alleged violations of the Law *On mass events*.

Activities of security services

On 19 January, two KGB officers tried to recruit Pavel Liashkovich, a first year student of the faculty of Informational Technologies of Belarusian State Academy of Radioelectronics. At the dean's office two people in mufti

asked the student about his trips to Poland and the Ukraine. They also asked whether he was a member of any oppositional organizations, offered to write an application for cooperating with the KGB and promised financial support. Pavel Liashkovich had to sign the papers. He was also ordered to write an application for joining the *Young Front* and was asked not to give publicity to the content of their 'discussion'. Such cases still take place throughout the country. Among others, Aleh Pronski, a student of Hrodna State Agrarian University, and Illia Kavalei, a student of Salihorsk State Economical Technical College, were 'invited' for 'prophylactic talks'.

Illia Kavalei applied to the Salihorsk executive committee for authorization of a picket against the economic defenselessness of the population from the policy of the authorities. Two days later the administration of the college held a 'prophylactic talk' with the activist, at which he was warned about possible expulsion. The college administration also threatened that some drugs could be 'occasionally' found in Kavalei's pocket or something else could happen to him.

KGB also pressured members of the initiative opposing construction of a nuclear power station in Astravets district. A man in mufti came to Ivan Zhyletski of Astravets and asked why he was against the nuclear power plant. Most members of the initiative group are pensioners.

Freedom of association

The organizing committee of the Belarusian Christian Democracy Party started holding assemblies for registration of the party. More than 100 residents of Vitsebsk, Polatsk, Chashniki and Haradok agreed to become the BCD founders. For official registration, the law requires a party to have more than one thousand founders. According to the BCD press-service, KGB officers phoned to potential founders of the party and threatened them with troubles for participation in its registration.

On 26 January registration documents of the *Nasha Viasna* were passed to the Ministry of Justice. The organization was founded by human rights activists, journalists and public activists from all parts of Belarus, many of whom used to be members of the Human Rights Center *Viasna*. It was

liquidated by the Supreme Court in 2003 on order of the Ministry of Justice. In 2007 the human rights activists tried to legalize their activities, but the Ministry of Justice and the Supreme Court refused to restore legal status to HRC, despite an appropriate ruling of the UN Human Rights Committee deeming the dissolution of the Center by Belarusian authorities as deprival of the right to association. In this ruling the committee also proposed that the authorities improve the situation, a recommendation that was ignored.

Freedom of information

The Chamber of Representatives once again denied accreditation to Maryna Koktysh, a journalist with the officially registered newspaper *Narodnaya Volia*. On 5 January the editorial office received an appropriate letter dated 31 December from Deputy Chairperson of the secretariat of the Chamber of Representatives, Skarynin, saying that the application for accreditation had been passed to the 'appropriate services' who had decided to deny the journalist access to 'the complex of buildings in Savetskaya Street, 11' (the address of the House of the Parliament).

On 15 January the Minsk oblast Economic Court sentenced the *Borisovskiye Novosti* to pay a fine of 48 million rubles (more than $17,000). As stated by Anatol Bukas, founder of the *Bukas Media Center* firm and chief editor of the newspaper, this measure put his company in the danger of bankruptcy, which could cause 22 people to lose their jobs. The matter is that *Bukas Media Center* rented a stall at the city market with a written agreement with the market administration. According to Ruling 1221 of the Soviet of Ministers, the rental of a stall does not need to be put into the license. The company earned 48 million Belarusian rubles selling newspapers there. The tax inspection took to the opinion that *Bukas Media Center* was a market object, not a stall at the market, and sentenced it to pay a fine amounting to the year's income. In addition, the Belarusian House of Press annulled the agreement concluded on 8 January for the printing of the newspaper. Bear in mind that since 1996 the newspaper *Borisovskiye Novosti* has been forbidden by the printing house in Barysau to print and was printed in Maladzechna, Orsha and in two printing houses in Minsk. Only one edition was published in the Belarusian House of Press.

The ideological department of the Minsk city executive committee banned the advertisement of the officially registered newspaper *Nasha Niva* in the subway. The editorial board of the newspaper addressed the subway's advertising agency concerning the advertisement as soon as *Nasha Niva* returned to the state newsstands and the subscription catalog. Workers of the advertising agency said they had nothing against it, but they needed an agreement of the Ideological Department of the Minsk city executive committee. Almost a month later Eduard Tamilchyk, chairperson of the mass events department, stated that there was no space to advertise *Nasha Niva* in January and advised the applicants to apply again in February. However, the information about the absence of free space was disproven by the advertising agency.

Harassment of civil and political activists

On 12 January officers of the Salihorsk district police department detained Mikalai Pakhabau, an activist of the independent trade union of radio-electronic industry returning to Salihorsk from Minsk. They searched his car and found some CDs, the information bulletin *Za Voliu* and leaflets with an address of the trade union to the Salihorsk administration urging to build a new polyclinic. The activist was escorted to the district police department to be questioned by an investigator.

On 13 January Tatsiana Pauliuchuk, Judge of the Tsentralny district court in Minsk, found young activist Marta Maiseyenka guilty under Article 17.1 (disorderly conduct) for hanging the national white-red-white flag on the New Year tree in the center of Minsk, and fined her 175,000 rubles (about $70). Police detained the girl and accused her of using obscene language. Marta was kept at the Tsentralny district police department during the night after the detention.

Politically motivated criminal cases

On 13 January the Minsk city court considered Aliaksandr Barazenka's cassation complaint against the verdict issued to him for participation in a peaceful action of protest on 9 December 2008 by the Tsentralny district court in Minsk (Judge Natallia Vaitsiakhovich had sentenced him to a year of personal restraint without direction to open penitentiary institution). Predictably enough, the Minsk city court let the verdict stand.

Siarzhuk Huminski, an activist of the *Young Front*, was declared wanted by the local military enlistment office for probable evasion of army service. The military enlistment office also intended to pass his documents on to the prosecutor's office for instigating criminal proceedings. Bear in mind that as a result of political persecution, Mr. Huminski had to go abroad for continuing his studies. The previous year the military enlistment office already tried to make the prosecutor's office bring about a criminal case, but the latter refused to do it.

A three-year-old boy and girl adopted two years ago by the mother of *Young Front* Artsiom Dubski were taken away from her and returned to an orphanage. Each year the woman had to prolong the contract for their upbringing. This year the authorities refused to prolong the contract, as Artsiom Dubski was a 'political criminal' and participated in 'anti-state activities'. Bear in mind that Artsiom Dubski, one of the accused in the 'process of 14' for participation in the action of entrepreneurs of 10 January 2008, was sentenced to two years of personal restraint without direction to open penitentiary institution. In October a criminal case under Article 415, 'evasion from serving the punishment', was brought against Artsiom. As a result he asked for political asylum in the Ukraine where he was living at the time.

Freedom of conscience

On 13 January the Supreme Economic Court rejected the lawsuit of the *Novaye Zhyttsio* Church against the Minsk city executive committee. The court verdict prescribed that the believers leave the building where they used to hold masses. Bear in mind that in 2002 the church bought a former cowshed and converted it into a temple at its own expense. In 2005 the authorities banned serving any masses there. At first the authorities ordered the Protestants to leave the building on 9 October 2006. Instead, the latter went on a 23-day protest hunger-strike, as a result of which the authorities had to postpone their eviction from the building.

Prisoners' rights

The USA continued insisting upon the American lawyer Emanuel Zeltser's release from prison because of the poor state of his health. The Patton Boggs law firm filed an urgent complaint with the UN Special Rapporteur on Torture demanding an investigation into the torture and ill-treatment of Emanuel Zeltser.

As the press service of the firm reports, the complaint alleged that having detained Zeltser on 12 March 2008, Belarus violated its obligations under the International Covenant on Civil and Political Rights. Zeltser 'has faced physical beatings, inhuman and unsanitary treatment... The Belarusian authorities have continuously withheld physician-prescribed medications. An independent American doctor, who was allowed to examine E.Zeltser at prison #15 in Mahiliou on 6 January, thinks that the prisoner can hardly survive till the end of his prison term without the necessary medicines.' The lawyers urged the UN Special Rapporteur to 'make the Belarusian authorities understand that such actions are inadmissible and must be banned'.

Review-Chronicle of Human Rights Violations in Belarus in February 2009

In February police dispersed two peaceful democratic actions: on 14 February – in honor of St. Valentine's Day and on 16 February – an action of solidarity with political prisoners and families of missing political and civil activists. Some of participants of these actions asked for medical aid. No one was detained.

Political conscripts Zmitser Khvedaruk, Ivan Shyla and Franak Viachorka went to hospitals, which witnesses the falsification of the medical conclusions declaring them fit for military service. Zmitser Khvedaruk was even operated on a vein. However, the appeals to court against the drafting brought no results.

Politically motivated criminal persecution continued as well: a criminal case was brought against Maksim Dashuk, a figurant of the 'Process of 14', for evading his sentence.

On 8 February the new Law *On mass media*, called a 'Draconian law' by the international community, came into effect. International organizations called on Belarusian authorities to put the law in line with the international standards. According to Liliya Ananich, the first Deputy Minister of information, the new law on mass media 'considerably simplified the registration of editions' and 'established a precise mechanism of responsibility'. Meanwhile, Article 54 of the law provides for forced re-registration by 9 February 2010 for all mass media that were registered by the Ministry of Information before 8 February 2009, which means that authorities could refuse to issue new licenses to 'undesirable' editions. Mass media were also banned from receiving financing and property from foreign legal and physical bodies, people without citizenship and anonymous sources. The work of unaccredited journalists with foreign media in Belarus was banned by the law.

On 4 February the Ministry of Information and the Belarusian Association of Journalists held the round table *Legislation on mass media as a development factor of the national informational space*. The event was attended by state officials, the OSCE, representatives of the European Commission and journalists, Zhana Litvina, Chairperson of the Belarusian Association of Journalists; Andrei Bastunets, BAJ Deputy Chairperson; and representatives of private media including Iosif Siaredzich (*Narodnaya Volia*), Vasil Zdaniuk (*SNplus. Svobodnye Novosti plus*), Iryna Krylovich (*Belorusy i Rynok*) and Andrei Dynko (*Nasha Niva*). It was the first time such a discussion took place, which brought about a contentious debate. A special attention was paid to the new Belarusian law On mass media.

Natallia Piatkevich, first Deputy Chairperson of Presidential Administration, stated that the 'fever around the new law on mass media is in many respects wire-drawn and artificial'. Independent experts and representatives of private media tried to raise some acute issues. Commenting on the round table, some of its participants stated that it was organized in order to demonstrate to the EU the readiness of the authorities to engage in a dialogue with the society. At the same time, 11 largest private socio-political editions were still being denied distribution by the state monopolists, *Belsayuzdruk* and *Belposhta*.

Besides, on 25 February the Maskouski district court in Brest declared edition 7-8 of the *ARCHE* magazine 'extremist materials that must be destroyed'. On the eve of the hearings, the International Federation of Journalists submitted a letter to the president, the prosecutor general and KGB chairperson. On 27 February, the international organization *Reporters Without Borders* condemned the court verdict in its public statement.

On 19 February the delegation of the EU headed by the High Representative for the Common Foreign and Security Policy of the EU, Secretary General of the EU Council Javier Solana, arrived in Belarus for an official visit. The delegation met with President Aliaksandr Lukashenka, Foreign Minister Siarhei Martynau and other high officials. However, a meeting with representatives of the civil society was held first. In his speech Mr. Solana pointed out that the EU intended to make Belarus a part of the Eastern Partnership program seeking to develop relations with Azerbaijan, Georgia, Moldova and the Ukraine. However, this could happen only if the official Minsk implemented the EU demands on democratization of Belarusian society.

On 20 February a group of deputies of the EU Parliament headed by Christopher Beazley of the UK, member of the Committee on Foreign Affairs, came to Belarus for a six-hour visit. The delegation also included Laima Liucija Andrikiene of Lithuania, who initiated the visit, Jose Javier Pomes Ruiz of Spain, and Jacek Protasiewicz of Poland, who headed the European Parliament's Delegation for Relations with Belarus. It was not an official visit, as the delegation did not receive official confirmation for holding negotiations with Aliaksandr Lukashenka and Siarhei Martynau. During the visit the delegation of the European People's Party of the European Parliament met with the Ambassadors of the European countries, representatives of democratic forces and officials of the Ministry of Foreign Affairs. In the evening a press-conference was held at the Representation of the European Commission in Belarus. In general, the European deputies praised the present development of the contacts between Belarus and Europe, but pointed out that the future of the Belarusian-European dialogue depended on the state of human rights in Belarus. The results of this visit could also influence the EU decision on renewal or abolition of the restrictive measures against a number of the Belarusian officials with Aliaksandr Lukashenka at the head.

Jacek Protasievicz stated that this decision must be reached unanimously by all members of the EU Council and that the sanctions against Belarus should no longer be suspended if at least one of 27 state parties voted against it.

The US Department of State presented its yearly report on the state of human rights in the world. The document considers the situation of the internationally recognized individual, civil, political and labor rights mentioned in the Universal Declaration of Human Rights of the United Nations Organization. According to the report, the state of human rights in Belarus remained rather bad, and state authorities continued to systematically and seriously violate human rights.

Politically motivated criminal cases

On 23 February, police detained Maksim Dashuk, a figurant of the 'Process of 14'. He came to the Maskouski district police department in Minsk together with his lawyer, on an official writ, and received charges under Article 415 of the Criminal Code for evading his sentence (Maksim had been

sentenced within the frames of the 'Process of 14' to personal restraint without direction to penitentiary institution). According to police, Dashuk received several warnings for violation of the regime, prescribed by this kind of punishment. The activist was detained and taken to the detention facility on Akrestsin Street for the night. In the morning he was escorted to the prosecutor's office. The prosecutor changed the order on him to a written undertaking not to leave. Maksim commented: 'All warnings were issued to me because of my absence from the apartment in the due time. I was allowed to leave it for only two hours a day, but I needed to help my mother since my father had died in April. I have no work because I am underage, and have no Minsk residence registration.' Maksim was not told when the case would be passed on to court. 'It will probably take 2-3 months during which I will be under home arrest', he said.

Bear in mind that following his participation in a peaceful protest action of entrepreneurs, in May 2008 Maksim Dashuk, being underage, was sentenced to 18 months of personal restraint without direction to penitentiary institution.

Harassment of political and civil activists. Activities of security services

On 3 February the Tsentralny district court in Homel fined Andrei Tsianiuta 2.8 million rubles (about $1 000) for participating in an unauthorized action and for resistance to police. Vasil Tokaranka was fined 1.75 million rubles ($625) and Kastus Zhukouski (who videotaped the action) – 3.5 million rubles ($1 250). That day regional activists proceeded from the Homel oblast Drama Theater to the Homel city executive committee holding six-meter long streamer: 'KGB haunt us, will the Constitution protect us?' to protest against unlawful dismissals of local activists under KGB pressure. During a body search at the Tsentralny police department in Homel the picket participants were completely undressed. Then they were escorted to court.

Despite taking the oath of allegiance 7 February in the military units in Zhodzina and Mezhytsa (Lepel district), *Young Front* activists Zmitser Khvedaruk and Ivan Shyla intended to go to the law against the forced recruitment and demand annulment of the orders for their drafting. 'I am going to pass all court instances, including the international ones, if necessary', said Ivan Shyla after taking the oath. 'It's my principled position and I will not turn away from it'.

On 13 February the Leninski district court in Minsk fined Mikola Dzemidzenka 1,225,000 rubles (about $437) and Zmitser Dashkevich – 1,4 million rubles ($500) for participation in an unauthorized action.

On 20 February the Salihorsk town court ruled to pass the complaint lodged by Ivan Shyla against the actions of the military enlistment office related to his drafting to the Lepel inter-garrison military court. The activist's parents appealed against the order for his drafting at the Minsk oblast court.

On 21 February, International Mother Language Day, police detained the Homel youth who held a flash-mob for the protection of the Belarusian language. The Tsentralny district court in Homel sentenced Kastus Zhukouski to 7 days of arrest. Marysia Tulzankova, Ales Viartseika and journalists Zmitser Karmazin and Aleh Ryzhkou were fined 700,000 rubles ($250) each, and Vasil Tokaranka – 1.75 million rubles ($625). Judge Damnenka dismissed the petitions by the accused to conduct the trial in Belarusian.

On 24 February Zmitser Khvedaruk's vein was operated on at the main military hospital of the Republic of Belarus Ministry of Defense. Earlier, during a medical examination in the army, it was found that the youngster had a varix dilatation. At first the operation was scheduled for 14 April because of the lack of space in the hospital, but then the medics changed their mind.

The Minsk inter-garrison military procuracy confirmed the beating of Franak Viachorka on draft day. On 24 February his father Vintsuk Viachorka received an answer to his complaint lodged on 29 January with the Belarusian military prosecutor. In his answer the prosecutor refused to bring a criminal case against officers of the Savetski district military enlistment office of Minsk and of main military clinical center 432 concerning the use of physical violence and excess of the duty powers. At the same time, the procuracy forwarded all materials concerning the use of physical violence against Franak Viachorka by police (including the unidentified 'people in mufti') to the investigative branches.

On 26 February Natallia Zhupikava, Judge of the Minsk city court, considered the cassation appeal of Franak Viachorka and left standing the verdict of the Savetski district court in Minsk by which his draft into the army was found legal. At the trial Vintsuk Viachorka and Franak's lawyer spoke about grave violations of the Law *On military duty and military service* and the Civil Process Code by the Savetski district court. It's quite interesting that two different versions of the minutes of one sitting of the draft board were attached to Viachorka's case. The documents of the activist's examination at the military hospital contain no information about his blood pressure and the ophthalmologist 'examined' him without seeing him.

On 26 February, police detained Aliaksandra Kamarova, an activist of the *For Freedom*, and a friend of hers while holding a public poll. The activists asked passers-by whether there was a crisis in Belarus and what they thought about it. At the police station the questionnaires were taken away from the detainees and detention reports were drawn up. The reason for the detention was formulated as 'undermining the fundamentals of the state system'.

Anatol Liabedzka, leader of the United Civil Party, was still banned from traveling abroad. At his press-conference at the central office of the Belarusian Popular Front on 2 February he stated that two months after his address to the Prosecutor General's Office, he received an answer stating: 'An appropriate inquiry was lodged with the prosecutorial branches of the Russian Federation for clearing the circumstances necessary to take a well-grounded decision on Your address. There's still no answer, which prevents us from taking a decision on this matter.' The politician reminded that he was banned from traveling abroad in connection with a criminal case instigated five years ago for 'defamation of the President'. Mr. Liabedzka said he intended to appeal the ban at court and could possibly address the prosecutorial branches of the Russian Federation in order to get a written answer.

Freedom of peaceful assemblies

The Homel oblast executive committee did not authorize an assembly of NGOs and initiatives of the Homel oblast in the run-up to the Assembly of NGOs. According to Uladzimir Katsora, Deputy Chairperson of the Homel city branch of the Belarusian republican association Legal Initiative, at first

an oral agreement for accommodating the action was received from the head of the House of creative work of children and youth *Yunatstva*, but later the official refused to do it without providing a reason (he said he could not do it over the telephone). By the way, the House of creative work belongs to the culture department of the Homel oblast executive committee.

On 14 February, police violently dispersed a traditional action in honor of St.Valentine's Day. Though the event was not sanctioned by the authorities, about one hundred of youngsters took part in it. As a result of the police violence three participants of the action went to hospitals for medical aid. Activists of the *Young Front* appealed to the Ministry of Internal Affairs and to the procuracy against the groundless use of violence by the law-enforcement agencies. The Belarusian human rights activists, indignant at the actions of the police, adopted a statement in which they called on the authorities to implement the international undertakings and stop using violence at peaceful actions.

The Vitsebsk city executive committee banned the representative of the Belarusian Helsinki Committee, Pavel Levinau, against holding a picket against violations of civil rights by the police. The action was dated to the Police Day, 4 March. The official reason provided for the refusal was that such action 'would hinder the movement of passers-by near the Summer Amphitheater'. Mr. Levinau was also reminded that holding any mass actions in central Vitsebsk was banned as the city administration had defined for it only some places on the outskirts. Pavel Levinau considers it inexpedient to hold civil actions in such lonely places. He lodged without any success five appeals against the bans. Nevertheless, after the last refusal he applied to court for the sixth time.

Freedom of conscience

Two Danish priests were deported from Belarus in February. The migration service of the Savetski district police department in Homel prohibited them from entering Belarus for one year. According to official information, Rolf Bergen and Erling Laursen were in the country on a short-term mission, during which they 'tried to conduct illegal religious activities in the prayer house of a Protestant community'. In the interview with the *BelaPAN* Bergen and Laursen said that they came to Belarus to meet with their friends, believ-

ers of the Protestant church *Living Faith*, to maintain the contacts established as a result of joint humanitarian projects. Both Danish citizens attended a divine service in a church on 7 February and were detained by police after it.

On 20 February the Lelchytsy district court issued a verdict on the administrative case against Vital Myshona, priest of a local Catholic parish. The district architect drew a report on the priest for 'installment of a cross without permission'. Prior to this, in January the chairperson of the Lelchytsy district geodesic and land service ordered the priest to either dismantle the cross or complete the legal procedures necessary for the issue of a piece of land for it. As a result the priest was fined 105,000 rubles (about $37) for failure to implement the order.

Bear in mind that the local authorities allowed the installment of a Catholic cross at the entrance of Lelchytsy in October 2008. However, later officials of the Lelchytsy district executive committee started putting additional conditions before the priest.

Freedom of association

On 19 February Tereza Selivonchyk, Chairperson of the Baranavichy department of the Union of Poles in Belarus that is not recognized by the Belarusian authorities, was warned about the possibility of criminal punishment for activities on behalf of unregistered organization by the procuracy. According to Andrei Pachobut, member of the UPB Main Council, it was the first case when Article 193.1 was used by the authorities against members of the organization. He stated that the authorities had suddenly started openly pressing the UCP members on the whole territory of Belarus to make them turn away from participation in the organization activities. The people were 'invited' to come for 'talks' to the KGB, MIA or procuracies. There they were warned about possible criminal punishment for participation in the organization assembly scheduled for 14-15 March. Security services also sent many anonymous letters and e-mail messages with accusations against well-known UPB activists.

At the end of February the Homel oblast justice department issued a warning to *Talaka*, a local youth local core organization, for using unregistered symbols on its web-site and the ads that were distributed in the city. Larysa Shchyrakova, Chairperson of the organization, refers the warnings to the organization activities: 'Each month we organize one or two meetings with writers, poets and other creative people who are under, so to say, official prohibition. It is simple pressure, an attempt to intimidate our organization for its activities.'

Freedom of information

24 February Maryna Damnenka, Judge of the Tsentralny district court in Homel, fined Zmitser Karamzin and Aleh Razhkou, members of the Belarusian Association of Journalists, for 'violating the rules of holding street actions'. During the trial, the judge dismissed all petitions for summoning police officers and other witnesses. In fact, the journalists were detained while gathering information about an action dated to 21 February, International Mother Language Day. Police captain Siarhei Aleinik told Karamzin and Razhkou that they ostensibly resembled the offenders who beat a person, and escorted them to the police station for identification. Police officers drew up violation reports against the detainees and passed them to court.

On 24 February the Homel oblast procuracy issued a warning to Tatsiana Bublikava, a member of the Belarusian Association of Journalists, for 'activities with the TV Company *BelSat* that broadcasts from the territory of Poland to Belarus'.

On 7 February the Chavusy district court turned down the lawsuit filed by Siarhei Niarouny, editor of the private small-circulation newspaper *Volny Horad*; and Uladzimir Kudrautsau, founder of the newspaper, against the insult of their honor, dignity and business reputation by the state newspaper *Leninskiy Klich*. The trial of the case lasted for more than a year. The reason for the lawsuit was a series of feuilletons published in *Leninskiy Klich* 2005-2007 as a response to the critique by *Volny Horad* of the work of *Leninskiy Klich*. The plaintiffs stated that the authors of the feuilletons had deliberately distorted facts from the life of opposition politicians in order to soil their reputation in the eyes of ordinary citizens. The court established that the feuilletons were written by Tatsiana Iwkina, editor of *Leninskiy Klich*, and Aliaksandr Haurylenka and Aliaksei Ivanou, all of whom were defend-

ants at the trial. Sixteen pasquinades were directed for a linguistic expertise that eventually confirmed that in some cases the feuilletons contained libel. Nevertheless, Judge Alena Karalko dismissed the complaint arguing that 'the resemblance between the characters of the feuilletons to the plaintiffs was not established'.

On 25 February, Judge Tatsiana Miraniuk, Deputy Chairperson of the Maskouski district court in Brest, granted a lawsuit of Brest oblast KGB department and ruled that edition7-8 of the *ARCHE* magazine was 'extremist and liable to destruction'.

Bear in mind that on 24 October 2008 on the border crossing point in Brest customs officers confiscated ten copies of the magazine from one of its authors, Ales Pashkevich. On 30 December 2008 the Brest oblast KGB department filed a lawsuit where it was stated that ' it was established by an analysis that the magazine contained information that discredited activities of the power branches of the Republic of Belarus, escalated social and political tensions and confrontation in the society and stimulated actions seeking to organize mass riot, thus creating danger to security of the Republic of Belarus'.

Zhana Litvina, Chairperson of the Belarusian Association of Journalists, commented: 'The greatest number of questions arises from the court issuing the verdict at a closed trial, without appropriate expertise. To my mind, it witnesses the wish to conceal the essence of the trial from the public. Taking into account that *ARCHE* is a legally registered edition and the only Belarusian media invited to the net of the European intellectual magazines *Eurozine*, the situation looks even more absurd. It is a rude crackdown on freedom of expression instead of respect to the civil right to receive information. KGB assumes a censor's functions and the right to the ultimate truth.'

Review-Chronicle of Human Rights Violations in Belarus in March 2009

The anniversary of the Belarusian People's Republic is one of the traditionally important events of March. 25 March 2009 was the first time in the recent years when the appropriate street action went on peacefully, without forced dispersals and detentions. However, one can't say that everything was alright and the right to peaceful assemblies was not violated. On the day of the event the police and security services conducted a number of preventive searches and detentions in the Belarusian capital and regions. In the afternoon the police burst into the apartment of Aleh Ladutska, a Minsk activist of the movement *For Freedom*, and searched it. They also detained Palina Dziakava, an activist of the *For Freedom*. The apartments rented by the *Young Front* activists Dzianis Karnou and Valer Matskevich were searched as well. In both cases police referred to telephone calls informing them about fights in the apartments.

On 25 March in the evening, activists of the *Young Front* Dzianis Karnou and Nasta Palazhanka were seized and forcedly pulled into a car by men in mufti near the metro station *Kamennaya Horka*. Mobile telephones were taken away from the detainees. Then Karnou and Palazhanka were blindfolded and taken out of the city. Dzianis Karnou was beaten and threatened. The unidentified persons cut his jeans into pieces. In Homel police detained Kastus Zhukouski and Siarhei Tryfanau, activists of the Conservative-Christian Party Belarusian Popular Front, and accused them of disorderly conduct. The court fined S.Tryfanau, while K.Zhukouski was sentenced to three days of arrest. The Salihorsk police also detained Aliaksandr Tsatsura, an activist of the civil campaign *For Free Development of Business*, on the way to Minsk. Valer Aliaksandrau, Ihar Bazarau and Siarhei Kavalenka, activists of the Belarusian Christian Democracy Party, were fined by court for coming with a white-red-white flag to Svabody square in Vitsebsk. At the railway station in Minsk police detained Russian citizens, representatives of the youth organi-

zation *Oborona* Oleg Kozlovskiy, Aleksandr Savelyev and Maksim Tarlykov and deported them to Russia.

An application to sanction the action was submitted to the Minsk city executive committee on 2 February. The event was organized by Liavon Barshcheuski, Chairperson of the BPF Party, and his deputies, Viktar Ivashkevich, Vintsuk Viachorka and Aliaksei Yanukevich. As said by Mr. Barshcheuski, this year the action had an unprecedented international aspect, being held during an official dialogue between the official Minsk and the European Union.

The anniversary of the Belarusian People's Republic was celebrated not only in our country, but also abroad. On 22 March a festive action took place near the UN headquarters in New-York. The Belarusian Youth Movement of America gathered together the young Belarusians from New-York, New-Jersey and Washington under the slogans of defense of the country's independence. At 1 p.m. solemn opening of the exhibition *Art Against Dictatorship* took place at the Belarusian museum in New York. Earlier this exhibition was exposed at the Estonian Parliament and the headquarters of German Marshall Fund in Washington.

On 24 March, presentation of the report *Ending Executions in Europe: Towards abolition of the death penalty in Belarus* took place at press-conference of the international human rights organization *Amnesty International* in Minsk. At present Belarus remains the only country in Europe and in the post-Soviet space (after the abolition of the death penalty by Uzbekistan on 1 January 2008) where death verdicts are issued and executions are performed. In January 2009 the campaign *Human Rights Activists Against Death Penalty* launched in Belarus with the aim to abolish the death penalty in Belarus and thus increase the respect to the common European values. An appropriate petition was prepared by representatives of the country's human rights community. In order to receive feedback from the public discussion of this issue, the Belarusian Helsinki Committee, the Human Rights Center *Viasna*, the Belarusian PEN-center, the Union of Belarusian Writers and the Belarusian Association of Journalists addressed all those who were eager to express their opinion, calling them to take part in the contest of creative works dedicated to the death penalty.

The EU foreign ministers agreed to extend the suspension of the travel ban to the Belarusian officials for nine months. At the same time, they decided to extend these sanctions for 12 months. According to Karl Schwarzenberg, Foreign Minister of Czech that presided over the EU at the time, this decision resulted from a complicated situation in Belarus. 'The decision to extend the sanctions together with the suspension of the visa restrictions reflects the complex situation in Belarus that could be observed during the latest weeks. Of course, we are concerned with the latest cases of human rights violations,' said the Minister.

Politically motivated criminal cases

On 3 March, the figurant of the 'Process of 14', *Young Front* activist Artsiom Dubski was given official charges under Article 415 of the Criminal Code for 'evasion of house arrest). As said by lawyer Valiantsin Stefanovich, it was possible that in such a way the law machinery continued persecuting young activists on allegedly legal grounds (for violation of the regime of the penalty).

On 9 March, another figurant of the 'Process of 14', the leader of the *Young Democrats* Ales Pashkevich, was also issued an official warning for violating the regime of serving house arrest after coming home 20 minutes late because of a traffic jam. Three warnings can result in bringing a criminal case under Article 415 of the Criminal Code for 'evasion of house arrest).

On 24 March the figurant of the 'Process of 14' Aliaksandr Barazenka alleged had been beaten by police. On 26 March he was summoned to Natallia Nikitsenka, Chairperson of the criminal-executive inspection of the Frunzenski district police department in Minsk, who gave him a second warning for violating the regime of house arrest. Officers of the criminal-executive inspection demanded that A.Barazenka compose a statement concerning his beating by police. He also lodged a complaint about the incident with the procuracy. Bear in mind that Mr. Barazenka became the last person sentenced to house arrest for participation in a peaceful action of protest held by the Belarusian entrepreneurs, as he was studying on the Kalinouski Educational Program in Poland during the trial and was tried after all other figurants of 'Process of 14'. On 9 December Natallia Vaitsiakhovich, Judge of the Tsentralny district

court in Minsk, sentenced him to one year of house arrest without direction to open penitentiary institution.

On 31 March Vitsebsk human rights activist Leanid Svetsik, a founder of the civil human rights association *Nasha Viasna*, received official charges under Articles 131 and 367, part 2 of the Criminal Code for 'incitement of national and rational enmity' and 'defamation of the President of Belarus'. The preliminary investigation was conducted by the Vitsebsk oblast KGB department. Bear in mind that at first the human rights activist was suspected under Article 131, but later the court proceedings were suspended. In March the investigation was resumed, as a result of which L.Svetsik was made to give a written statement not to leave the city.

Harassment of civil and political activists. Activities of security services

9 March Judge Aksana Sarakhman fined Ryhor Hryk, a Baranavichy democratic activist, for allegedly organizing and holding on 12 January a spontaneous rally of entrepreneurs. In the beginning of the trial the judge dismissed the petition for admitting to the trial the defendant's representative, Karnei Piatrovich. She also didn't let Mr. Hryk study the materials of his case. During the hearings it was also found that the police officers had committed a number of process violations.

11-12 March in Astravets, police examined the apartments of Ivan Kruk and Mikola Ulasevich, members of the organizing committee of the *Astravets nuclear power station is a crime* campaign. The action was sanctioned by the prosecutor. The reason was the information of Chairperson of the district KGB department, Shmurei, that on 4 March the activists had distributed informational editions in the village of Alkhouka in Astravets district. As said by Mr. Kruk, the 'examinations' were connected to the edition of the small-circulation newspaper *Astravetski Vesnik* featuring materials arguing against construction of a nuclear power station in Astravets.

The main department of internal affairs of the Minsk city executive committee answered the complaint against unlawful actions of the local police lodged by young activist Valer Matskevich with the Frunzenski district

procuracy in Minsk. The activist asked the procuracy to conduct a check-up on the unlawful search conducted on the eve of the St.Valentine's Day action in the apartment rented by *Young Front* including him, Mikola Dzemidzenka and Vadzim Khaniauka. During the search KGB officers confiscated different personal belongings, including computer equipment, information materials and money without any warrant. According to information of the press-service of *Young Front*, Chairperson of the main police department of the Minsk city executive committee, Haidukevich, stated in his answer that the application was considered and no violations were found in the actions of the Frunzenski district police department.

14 March participants of the February flash-mob held in Homel to mark the International Mother Language Day learned that they had been tried in absentia for violating the rules of holding mass actions. Zmitser Kutasau and Yauhen Yakavenka were informed about it via mail. As said to journalists by Ya.Yakavenka, the court ruling runs that the trial took place on 4 March. The activist was quite surprised to be informed of it ten days after the trial. He thinks that it was done to deprive him of the opportunity to appeal against the court verdict. The Tsentralny district court in Homel fined Z.Kutasau 1,050,000 rubles (about $371) and Ya.Yakavenka – 700,000 rubles (about $247). Five other participants of the flash-mob (including two journalists) stood trial prior to Kutasau and Yakavenka.

17 March the Pershamaiski district procuracy in Minsk answered the complaint against unlawful actions of police during the detention and arrest of the *Young Front* activist Zmitser Khvedaruk on the eve of politically motivated drafting into the army. On 12 May 2008 the Tsentralny district court in Minsk sentenced the activist to ten days of arrest under Article 13.6 of the Process-executive Code of Administrative Offences. The legal term for finding Khvedaruk and making him serve the penalty was three months. However, in violation of the law, he was detained eight months after the court verdict. In the official answer of A.Mliava, Prosecutor of the Pershamaiski district, it is stated: 'In the mentioned circumstances there weren't found any significant violations by officers of the Pershamaiski district police department of the legal requirements regulating the administrative process '. At the same time, 'in connection with the violations of Article 13.6 of the Process-executive Code of Administrative Offences the procuracy submitted to the chairperson

of the Pershamaiski district police department an information note for taking the appropriate measures on prevention of such violations in future'. Thus, from the answer of the procuracy it follows that the violations have occurred, but are insignificant.

23 March the Minsk inter-garrison military court refused to find unlawful the actions of military officers and medics during the drafting into the army of Franak Viachorka, Chairperson of the BPF Youth. On 16 January Viachorka was forcedly guarded to the military enlistment office from the military hospital where he was under medical examination. At first the court suspended the case. However, on 30 January policemen directed by persons in mufti seized Mr. Viachorka. They took him to the military enlistment office and then to a military unit in Baranavichy. Although the forensic expertise registered the beating of F.Viachorka following his hospitalization because of a high blood pressure several days after the incident, the court turned down his lawsuit. Meanwhile, during the trial Military Commissioner Aleh Zahurski confirmed that the people who had detained Viachorka worked in the army. However, he stated that they hadn't beaten him and had acted in line with the legislation.

On 27 March the court punished some Vitsebsk democratic activists for participation in the Freedom Day action: Siarhei Kavalenka, member of the Conservative Christian Party Belarusian Popular Front, was fined 700,000 rubles and Ihar Bazarau and Valer Aliaksandrau – 70,000 rubles (about $25) each. The activists just came to Svabody Square with white-red-white flags. Alena Kadzilava, Judge of the Kastrychnitski district court, found them guilty in holding an unsanctioned rally. S.Kavalenka had already received such punishments, while for V.Aliaksandrau and I.Bazarau it was the first one.

Freedom of peaceful assemblies

On 15 March, the Constitution Day, members of the BPF Youth held an action in Vitsebsk that ended with the detention of young activist Kastus Ivanou. As said by a member of the organization Siarzhuk Karpovich, Ivanou wanted to draw public attention to the attitude to constitutional rights in Belarus. He was seized by police while handing out copies of the Constitution,

and was escorted to the Chyhunachny district police department in Vitsebsk. There the police officers drew up a report on confiscation of the constitutions. The detainee was released in 1.5 hours.

Freedom of association

On 11 March the Supreme Court of Belarus turned down the lawsuit of the social-patriotic civil association (SPCA) against the registration denial issued by the Ministry of Justice. Valer Ukhnaliou stated that the organization activists intended to continue the attempts to register with the state and would hold the third constituent assembly of the organization for it.

On 19 March a complaint against the non-registration of the civil human rights association *Nasha Viasna* was lodged with the Supreme Court. On 12 March the Helsinki Committees of Sweden, Norway, Moscow and Belarus adopted a joint address to the Belarusian authorities calling to review the decision on the registration of *Nasha Viasna*. According to the Helsinki Committees, the reasons provided by the Ministry of Justice for non-registration of the NGO are inconsistent. The address also runs that 'the establishment of free conditions for legitimate activities of human rights groups would demonstrate that Belarus is ready to create space for civil society engagement and to undertake concrete steps towards improving respect for human rights.'

On 29 March the third constituent assembly of the civil human rights association place at the headquarters of the BPF Party in Minsk. The assembly was attended by human rights defenders, lawyers and civil activists. 82 representatives from all regions of Belarus became co-founders of the human rights organization. As stated by Ales Bialiatski the third attempt to register with the state would be the last one.

On 23 March the College Board on Civil Affairs of the Minsk city court turned down Viktar Karneyenka's lawsuit against the refusal of the Ministry of Foreign Affairs to re-register the NGO *Civil Initiatives*. The Minsk city court agreed with the ruling of the Leninski district court in Minsk according to which former Chairperson of Karneyenka cannot represent the interests of the organization, because he is not the chairperson of the organization after its dissolution in 2003. By the way, it is the Ministry of Foreign affairs that is

responsible for implementation of international laws on the territory of Belarus. Three years ago the UN Human Rights Committee proposed that the Belarusian authorities re-register the NGO that had been liquidated six years ago, and pay to its members a compensation for dissolution of the organization. Thus, the Minsk city court does not see any need in implementing the UN decisions.

Freedom of information

On 17 March Natallia Kozel, Judge of the Leninski district court in Hrodna, fined Andrei Pachobut, an activist of the disgraced Union of Poles in Belarus and correspondent with *Gazeta Wyborcza*, 407,000 rubles (about $185) for participation in an unauthorized action on 17 January. This day several hundreds of the UPB Members gathered near the Polish House, where a sitting of the pro-governmental Union of Poles was taking place. However, police prevented them from entering the building. In 2.5 months reports about administrative offences were drawn up against three activists of the disgraced Union of Poles – Ihar Bantsar, Andrei Pachobut and Mechyslau Yaskevich.

Politically motivated dismissals from work and expulsions from educational establishments

On 25 March Maryiana Hruzdzilovich was suddenly dismissed from her teaching position at a branch of the British educational center. The reason was a fabricated letter, allegedly sent by a group of parents, accusing her of spreading oppositional propaganda among the pupils. By the way, it was impossible to collect parents' signatures under the letter, as the classes at which the teacher reacted to a disgraceful saying of a pupil about participants of 25 March action, ended at 9 p.m., and the following morning the administration of the educational center received the letter concerning this incident. Maryiana also made telephone calls to the parents to ensure that they had received no telephone calls and there were no talks about complaining against her. Only later did the teacher found that the father of the 'insulted' pupil was a police colonel.

Meanwhile, after dissemination of information about her dismissal, on 31 March the teacher Maryiana Hruzdzilovich was rehabilitated at work. When

he came to school to take away her service record, the main accountant of the educational center familiarized her with a ruling reversing her dismissal. The woman knew nothing about the reasons for such decision of the administration of the educational establishment.

At the end of March activist Ivan Shyla was denied the opportunity to take his last school exam and get a secondary education certificate. His father, Uladzimir Shyla, was informed of it in the General Headquarters of the Armed Forces of Belarus. Ivan Shyla had been expelled from school and drafted into the army right before the last exam. Earlier the administration of the military unit where he was serving promised to give him a leave on 1-12 June so that he could take the exam. However, then representatives of the general headquarters stated that 'according to the legislation it is impossible to give the soldier of statutory service, Private Ivan Shyla, an opportunity to take the exams for the course of the secondary education on 1-12 June'. The activist served in the Lepel district of the Vitsebsk oblast, in anti-aircraft artillery unit 29. After taking the oath I.Shyla was taken to hospital: he was ill with quinsy, which resulted in a complication – otitis.

Review-Chronicle of Human Rights Violations in Belarus in April 2009

Few people gathered for the traditional action *Chernobyl Way* at the end of April. 'The past rally can be called an action of recession', commented Liavon Barshcheuski, Chairperson of the BPF Party. Meanwhile, persecution of democratic activists is going on. Human rights defenders are of the opinion that only point changes have taken place. The Minsk city executive committee banned holding of the action on the route that was proposed by its organizers. Democratic activists were detained in different regions of the country.

In particular, on 26 April in Vitsebsk, activists of the civil campaign *European Belarus*, members of the Belarusian Christian Democracy Party and the *For Freedom* were detained by police at the very beginning of their action. Ales Halavan, Kastus Ivanou, Aliaksei Pialevich, Iryna Piatrova and Valer Ramanenka were guarded to the police station. Member of the Conservative-Christian Party *Belarusian Popular Front* Siarhei Kavalenka and human rights defender Valer Misnikau were also taken there as 'suspicious persons'. On 25 April Yauhen Skrabets, an activist of the *European Belarus*, was detained in Lida to prevent him coming to Minsk. In Biaroza, police detained journalist and human rights activist Tamara Shchapiotkina during the traditional commemorative action *Candle of Memory*.

On 16 April, riot police dispersed an action of solidarity with repressed people and the families of the missing public and political activists. More than 50 people stood on Kastrychnitskaya Square for about 10 minutes, holding in their hands portraits of the Vaukavysk entrepreneurs Uladzimir Asipenka, Mikalai Autukhovich and Yury Liavonau who have been kept in custody since 8 February. Police warned the people over loudspeakers that the rally was unsanctioned and called on the people present to disperse. Then the policemen pressed the action participants out to Internatsyianalnaya Street with the use of physical violence. No one was detained.

The most serious violations in April concerned the right to association. After the civil human rights-educational association *For Freedom* registered on the fourth attempt, some other NGOs also submitted the necessary documents to the Ministry of Justice hoping to register with the state. However, the authorities kept to their earlier practice of refusing to register NGOs for wire-drawn or insufficient reasons. In particular, the Supreme Court did not grant the complaint of the founders of the civil human rights association *Nasha Viasna* concerning the refusal of the Ministry of Justice to register it. The Assembly of pro-Democratic NGOs was denied registration as well. The situation of the Belarusian Christian Democracy Party was quite strange: at first the Ministry of Justice also refused to register it, but then suspended its own decision for an unknown period of time.

On 23 April Benita Ferrero-Waldner, Commissioner for External Relations and European Neighborhood Policy, stated at the press-conference in Brussels that Belarus could take part only in multilateral projects within the guidelines of the new policy of the European Union *Eastern Partnership*, as soon as there was no bilateral part. As said by her, the EU interacted with the Belarusian NGOs and mass media. The European Commission has started consultations with the Belarusian authorities in such spheres as transport, energy and climatic change. The European Commissioner stated that the proposal for Belarus concerning full membership in the European Neighborhood Policy remained in force, but certain conditions needed to be implemented for it. 'All of you know about our five recommendations to Belarus,' she pointed. Bear in mind that in October 2008 the EU singled out five out of 12 recommendations as the basis for normalization of relations with Belarus: reform of the electoral legislation, ensuring of freedom of associations, creation of conditions for activities of NGOs, freedom of press and the abolition of restrictions of personal liberties.

Harassment of civil and political activists

4 April the *Young Front* activist Andrei Veramyiuk was detained by police in Kobryn for hanging out a white-red-white flag on a building in the center of the town, with assistance from a friend of his. The detainee was kept at the police station for 1.5 hours and was released without receiving any charges. The white-red-white flag was removed by firemen in several hours.

On 16 April in Brest, police detained Natallia Hahaliuk, Katsiaryna Ishchyk, Ilaryion Kasianchuk, Uladzimir Sheleh and Yauhen Skrabets, participants of the Day of Solidarity who were standing in the center of the city with the banner 'Freedom for political prisoners' and a flag of the *European Belarus*. The detainees were escorted to the police station and then to a detention facility where they spent the night. In the morning Larysa Nazarenka, Judge of the Leninski district court in Brest, found them guilty under Article 23.34, part 1 of the Administrative Code (violation of the rules of holding mass actions) and fined each of them 70,000 rubles (about $25).

17 April Natallia Petukh, Judge of the Pershamaiski district court in Minsk, refused the complaint of the *Young Front* Zmitser Khvedaruk against the unlawful actions of military officers during the drafting. The young activist was escorted to court from hospital by an officer. At the trial the representative of the medical commission Aliaksandr Valoshyn did not deny that Mr. Khvedaruk was ill, but insisted that with such a bunch of diseases he could serve in the army – with limited physical exercise. Z.Khvedaruk said that he had spent almost all of the last 2.5 months in medical institutions. 'At present I am getting medical treatment at the medical company in Pechy. In fact, during the whole time of my army service I haven't implemented my functional duties even once – I have never been in a duty detail or on the guard. I haven't done anything useful except for peeling potatoes.'

On 23 April the Leninski district court in Brest found Mikhail Iliin, a regional activist of the *Young Front*, under Article 17.1 (disorderly conduct) and sentenced him to ten days of jail. 'At the trial M.Iliin did not deny having put a toilet sink and four rolls of toilet paper to the monument of Lenin on 22 April at 11.45 a.m.', said human rights defender Raman Kisliak. The youngster said that in such a way he expressed his attitude to Communism and the still existent cult of Lenin.

On 23 April Kunitskaya, Judge of the Brest oblast court, dismissed the cassation complaint of the Baranavichy civil activist Ryhor Hryk against the verdict of the Baranavichy and Baranavichy oblast court by which he had been fined under Article 23.34, part 2 of the Administrative Code for having allegedly organized a rally of entrepreneurs in January. However, it was proven that Mr. Hryk hadn't organized the rally and the violation report against him was drawn up in his absence.

The Savetski distict procuracy in Minsk gave a negative reply to the joint application of the activists of the *Young Front* Zmitser Dashkevich, Mikola Dzemidzenka, Vadzim Khaniauka and Pavel Kuryianovich about bringing a criminal case on allegations of beating of participants of the procession dedicated to St. Valentine's Day, referring to Article 29, part 1, paragraph 1 of the Criminal Code – 'because of absence of socially dangerous action'.

Freedom of association

On 9 April the administration of the Assembly of pro-democratic NGOs received a letter about registration denial from the Ministry of Justice. The ministry explained its decision not to register the organization by alleging that some violations were made during its establishment. In particular, it was stated that the constituent agreement was invalid because the heads of the member organizations had signed it without the agreement of the governing branches of these public associations. The ministry also took to the opinion that the organization name failed to reflect the subject of activities of its members and thus did not correspond to the legal requirements. The Assembly representatives consider the registration denial politically motivated. 'The constituent agreement about the establishment of the Assembly was signed by the heads of the member organizations after the assemblies of the organizations had empowered them to do it', emphasized the lawyer Yury Chavusau. 'The legal rules were observed, which is confirmed by the documents'. The Assembly of pro-democratic NGOs was founded by seven civil associations including the Belarusian Helsinki Committee, the Center *Supolnasts*, the BPF *Adradzhenne*, the *Center for Human Rights* and three more organizations based in Verkhniadzvinsk, Vitsebsk and Mahiliou.

On 30 April Ales Bialiatski, Aleh Hulak and Siarhei Matskevich, members of the Working Group on the establishment of the Assembly of pro-democratic NGOs, filed a lawsuit with the Supreme Court, asking to find the registration denial unlawful.

Siarhei Matskevich, Chairperson of the Working Group of the Assembly, reminded that it was the repeated refusal to register the Assembly: the first registration attempt was made in 2002 and the Ministry of Justice answered

1.5 years after receiving the registration documents. At present the complaint against the non-registration of the Assembly in 2002 is at the UN Human Rights Committee.

15 April the administration of the organizing committee of the Belarusian Christian Democracy Party also received registration denial. The alleged reason is the non-compliance of the documents to the results of the questioning of its founders by the Ministry of Justice. The constituent assembly of the party was held at the end of February. As soon as the registration documents were submitted to the Ministry of Justice, representatives of ideological departments, KGB and police officers started phoning the founders. Some of the people were threatened with dismissal from work unless they took back their signatures. It is quite interesting that the check-up of the documents of the BCD founders had been conducted by Aleh Slizheuski, Deputy Minister of Justice who signed the registration denial.

However, on 16 April a representative of the Ministry of Justice phoned to BCD founder Aliaksei Shein and said that the decision on non-registration of the party was suspended, allegedly in connection with a number of addresses of the BCD founders and receiving some information that could influence the decision on the state registration of the party. The official said that final decision would be ostensibly taken after checking the received information.

On 22 April Yuliya Trapynina, Judge of the Leninski district court in Mahiliou, turned down the complaint of the trade union of radio-electronic industry and other branches of national economy against unlawful actions of the Mahiliou city executive committee. The reason for the lawsuit is the refusal of the Mahiliou CEC to register the Mahiliou city organization of the trade union. The officials stated they decided not to register the trade union because its members worked in different branches of the national economy.

Politically motivated criminal cases

On 8 April the International foundation for the protection of human rights defenders *Front Line* addressed the President of Belarus in connection with criminal persecution of human rights defender Leanid Svetsik. Front Line

believes that the legal proceedings against Mr. Svetsik are unfounded and related to his legitimate and peaceful human rights work. That's why Front Line urged the authorities to immediately drop the charges against human rights defender Leanid Svetsik; guarantee the physical and psychological integrity of Leanid Svetsik; ensure that all human rights defenders in Belarus carrying out their legitimate work in the defense of human rights can exercise their right to freedom of expression and association, and are able to operate free of restrictions and reprisals, including judicial harassment.

On 14 April, on the eve of consideration by the parliament of the draft law on amnesty, young activists held an action near the House of the Parliament on Nezalezhnastsi Square, demanding parole for the participants of the 'Process of 14'. In about ten minutes the police detained Palina Dziakava, Uladz Ihnatovich, Marta Krylova, Aleh Ladutska, Aliaksei Liaukovich, Katsiaryna Stsepaniuk, Pavel Yukhnevich and Maksim Viniarski. The activists were escorted to the Maskouski district police department. There the police officers took down their personal data and let them go. 'We tried to turn the attention of the Parliament toward the fact that participants of the 'Process of 14' could be granted parole if their article was included in the law on amnesty, and the parliament had a means to do it without losing its face,' said the activist of the *European Belarus* M.Viniarski.

Meanwhile, leader of *Young Democrats* Pashkevich stated that participant of the 'Process of 14' Tatsiana Tsishkevich was declared wanted. He found it from an investigator of the criminal-executive inspection of the Frunzenski district of Minsk. At present Tatsiana studies in Poland.

Aliaksandr Barazenka, a participant of the 'Process of 14', lodged a complaint against unlawful actions of Siarhei Kisel, an officer of the criminal-executive inspection of the Frunzenski district of Minsk with the procuracy. As said by the young activist, at the end of March he had to move from Minsk to Pinsk after being beaten by the police inspector and receiving second warning for violating the regime of penalty. 'I could not stay in Minsk any longer, because I understood that only one step was left till the third warning, after which I could be imprisoned. In Pinsk their inspector doesn't have such a biased attitude to me as in Minsk. At present I am busy looking for a job,' said A.Barazenka.

Prison conditions

On 16 April Mikalai Autukhovich, the Vaukavysk entrepreneur kept in pre-trial prison since 8 February on an arson accusation, declared an indefinite hunger-strike. According to his lawyer Pavel Sapelka, this was the only legal action he could take in prison to protest against the unlawful actions of the investigative branches and absence of prosecutorial supervision of the investigation into his case. M.Autukhovich emphasized that during the two months of imprisonment no investigative actions were conducted with him. The investigators questioned his acquaintances not concerning the arson, but about keeping of arms, preparation of explosions in the Hrodna oblast and destruction of property. Some of the witnesses in the case were psychologically pressured into giving false testimonies.

Freedom to peaceful assemblies

On 14 April Zmitser Barodka and Maksim Siarheyeu, activists of the civil campaign *European Belarus*, to the Minsk city executive committee for authorization of a picket on 1 May, at which they intended to collect signatures for Belarus' joining the EU. They received a negative answer signed by M. Tsitsiankou, Deputy Chairperson of the Minsk city executive committee. The official stated that the action did not correspond to parts 5 and 6 of Article 5 of the law of the Republic of Belarus *On mass actions in the Republic of Belarus*. Meanwhile, the fifth part of Article 5 of the law *On mass actions* was unpublished at that time, which means that it could not come into force. 'The ban of the action shows that the hype by the state media concerning the so-called liberalization and closer relations with Europe was just a farce. The authorities need no movement towards Europe. Freedom of peaceful assemblies, freedom of expression and freedom of associations are still violated in Belarus. We still have political prisoners. Nevertheless, despite all prohibitions, the campaign is going on. Tens thousands of signatures for joining Belarus to Europe have been collected already,' commented Zmitser Barodka.

The 5th Congress of the World Alliance of Belarusians *Batskawshchyna* was in danger of cancellation. 17 organizations delivered written refusals to lend premises to organizers of the event. The main official reason for the refusals was 'repairs'. In particular, such answers were received from the Culture House of Trade Unions, the Concert Hall *Minsk*, the House of Culture of Minsk Automobile Plant and at the hall of Minsk State Linguistic University. There were alleged fire security problems at the House of Officers. The leaders of *Batskawshchyna* that such 'repairs epidemic' showed the political decision of the authorities to disrupt the congress.

On 30 April Mikalai Silmanovich, Judge of the Baranavichy and Baranavichy district court, turned down the complaint of human rights defender Siarhei Housha, lawyer Karnei Piatrovich and member of the *For Freedom* Viktar Syrytsa who stated that the ruling *About the rules of holding mass actions in the city of Baranavichy* adopted on 17 January 2006 by the Baranavichy CEC violated the Constitution, the law *On mass actions* the International Covenant on Civil and Political Rights. However, they received a short answer to their well-argued application: 'The ruling of the Baranavichy city executive committee of 17.01.2006 4 rules *About the rules of holding mass actions in the city of Baranavichy* in line with the law, and your application is considered groundless'.

Freedom of information

On 16 April photo correspondent Uladzimir Hrydzin, member of the Belarusian Association of Journalists, was taking photos of the Pershamaiski district police department in Minsk after a fire that had happened there. He was almost immediately seized by people in mufti. They twisted his arms, took away the camera and hit him several times in the stomach with their knees. Then they escorted him to the police station and deleted all photos from the camera, after which the journalist was let go. The offenders ignored his demands that they introduce themselves. The BAJ addressed the procuracy in connection with this incident, requiring a check-up and appropriate measures of prosecutorial reaction towards the perpetrators.

On 18 December 2008 Anatol Sanatsenka, Chairperson of the editorial board of the private regional edition *Bobruiskiy Kuryer*, submitted a request to give a legal evaluation to actions of the Babruisk executive committee to the Leninski district procuracy in Babruisk. Mr. Sanatsenka stated that some of the state officials systematically violated freedom of mass media and the rights of the editorial office. He also attached a number of documents

witnessing the violations, including hampering the distribution of the edition, accreditation denials and limiting access to information. The plaintiff believes that by their actions the state officials grossly violated the law on mass media and Article 198 of the Criminal Code ('creation of obstacles to lawful professional activities of a journalist'). Nevertheless, senior investigator Siarhei Sharamet came to the conclusion that there was no corpus delicti in actions of the local authorities. Besides, on 10 April the editorial board received a letter signed by Nina Sheleh, Director of the Babruisk communications center, informing that the agreement for the sale of the *Bobruiskiy Kuryer* would be cancelled since 1 May. Sanatsenka considers it as a result of his complaint against the local authorities.

According to the BAJ, at present obstacles to distribution of private press are created in many parts of Belarus. The worst situations are found in Babruisk, Barysau and Baranavichy.

Activities of security services

On the eve of the anniversary of Chernobyl accident, on 24 April Viktar Sazonau, a Hrodna democratic and human rights activist, was escorted to the Hrodna oblast KGB department and familiarized with his dossier. KGB officers warned V.Sazonau about the possible consequences in the case of continual oppositional activities and made him sign that he was familiarized with Article 342 of the Criminal Code (organization or active participation in group actions that grossly violate the civil order).

On 29 April in Hrodna, KGB officers detained member of the BAJ, journalist Ivan Roman, a correspondent with *Magazyn Polski* (issued by the disgraced Union of Poles in Belarus) and Radio *Liberty*. The journalist was officially warned about inadmissibility of illegal activities. 'I was told that I could write only positive things, and if I give negative information – it would be considered as discredit of the Republic of Belarus in foreign media,' said Ivan Roman. Last year the journalist received a similar warning from the procuracy.

On 23 April unknown people in mufti came to the factory where the activist of the *Young Front* Anton Rusin worked. They asked him about activities

of the organization, its leaders and the march *For Freedom*! prepared by the *Young Front*. The activist refused to answer their questions.

Politically motivated dismissals from work and expulsions from educational establishments

Ales Mekh, a candidate for the parliament at the last elections, received a negative answer from the Supreme Court concerning the unlawful dismissal from work during the electoral campaign. He couldn't find a job in Kobryn and Kobryn district, though he was a good specialist and had two higher educations.

Review-Chronicle of Human Rights Violations in Belarus in May 2009

In May several mass actions took place, all of them under vigilant police surveillance. In particular, on 7 May an action marking the tenth anniversary of disappearance of opposition politician, former Interior Minister Yury Zakharanka was held in the center of Minsk. Scores of civil activists were detained on the eve. Haunting also continued in different parts of Minsk after the action. A total of 30 people were detained. The detainees were pulled into busses where they were insulted and beaten by police. As written by Maksim Serhiyets in his complaint, police officers humiliated and threatened him. They took away his mobile phone and then hit him in stomach with hands and feet and smothered him. These actions were accompanied with four-letter words. One of the policemen seized the activist by the coat and tore it. When Mr. Serhiyets was thrown down on the bus floor, one of the policemen walked on his back. Other detainees also lied down on the floor and were beaten. Then all detainees were guarded to the Tsentralny district police department. In several hours they were let go without being explained the reasons for the detention. No reports were drawn up.

On 7 May police detained Mikhas Iliin and Kasia and Yulia Pashko, activists of the Brest *Young Front* who were going to an action in the memory of Yury Zakharanka.

Another action in the memory of Yury Zakharanka was held near the Homel oblast police department. At the end of May reports of administrative charges were brought against its participants – Chairperson of Homel oblast branch of the United Civil Party Vasil Paliakou, human rights activist Anatol Paplauny, regional coordinator of the *For Freedom* Uladzimir Katsora and civil activists Yury Zakharanka and Piatro Kuzniatsou. The day before the action two policemen also came to Katsora's apartment and asked him to sign that he was warned about responsibility for possible violations of the law, but the activist refused to do it.

On 14 May the *Young Front* held the peaceful march For Independence to protest against the replacement of the state symbols after the 1995 referendum. Preventive detentions were performed in the regions of Belarus on the day of the action. Riot police encircled the action participants on Kastrychnitskaya in Minsk, snatched a banner *For Independence* and white-red-white flags, and tried to push the demonstrators out of the square. Policemen used violence, kicking the action participants including the girls who sat down on the asphalt in protest.

In May the public attention was focused on the situation of Uladzimir Asipenka, Mikalai Autukhovich and Yury Liavonau, the arrested entrepreneurs of the town of Vaukavusk. All of them were under investigation and were charged with intentional arsons and damage of property, which they deny. All three had health problems. Mikalai Autukhovich was kept in the medical department of the pre-trial prison, keeping a hunger-strike of protest since 16 April. He demanded that his case either be passed to court or the restraint be changed to all three accused. On 4 May the *Young Front* started a hunger-strike of solidarity. The entrepreneurs Ales Makayeu and Siarhei Parsiukevich, young activist Andrei Kim, former presidential candidate Aliaksandr Kazulin, politicians Liavon Barshcheuski, Mikhail Marynich, Mikola Statkevich, Mikhail Marynich, young activists Nasta Palazhanka, Andrei Tsianiuta, Mikola Dzemidzenka, etc. took part in the action. M. Autukhovich passed his gratitude though his attorney Pavel Sapelka and asked the people to stop the hunger-strike, because their 'health and youth are necessary to continue the struggle for democracy'.

On 16 May eight UCP members from Hrodna and Vaukavysk were detained for making a chain of concerned people opposite the central market of Vaukavysk. In their hands the activists held portraits of Mikalai Autukhovich. The detainees were given administrative charges. The trial was scheduled for 8 June.

In May Belarus joined the program of the European Union *Eastern Partnership*. As stated to journalists by Yacek Sariusz-Wolski, Chairperson on Foreign Affairs of the European Parliament, the EU expected from Belarus reform of the electoral legislation, the Criminal Code, the laws on mass media and change of the attitude to NGOs, religious organizations, civil

society and opposition. According to him, the development of relations between Belarus and the EU would depend on progress in realization of these reforms.

Harassment of civil and political activists

On 7 May the rock-band *Liapis Trubetskoy* played live in the *League* in Mahiliou. The concert ended with detentions. When the musicians started singing the song *Freedom Belarus*, the youth unfurled white-red-white flags. Police burst into the hall, detained Vital Markau, Stanislau Senakosau and Aliaksandr Tsitou and escorted them to the police station. Explanations were taken from the detainees. The policemen refused to issue the detainees with any copies of the detention reports. After the concert, police also detained and searched the people who had national symbols on their clothes and bags.

On 12 May in Nezalezhnastsi Avenue in Minsk, police detained the *Young Front* activists Viktoryia Ladzis and Pavel Kuryianovich for distribution of informational leaflets with calls to come to the march *For Independence*. They were guarded to the Pershamaiski district police department. Viktoryia Ladzis was under-age and was released in three hours. A violation report was drawn up on Pavel Kuryianovich. He was kept at the police station till trial. On 14 May the Pershamaiski district court in Minsk fined Pavel Kuryianovich 350 000 rubles (about $126) under Article 23.34 of the Administrative Code, 'violation of the rules of organizing and holding mass actions'.

On 12 May the Salihorsk court fined the local *Young Front* activists. Krystsina Samoilava was fined 700,000 rubles (about $252), Hleb Snorkin – 350,000 rubles (about $126) and Illia Nahorny – 525,000 rubles (about $189). Judge Burautsou demonstrated in the court hall a white canvas with the inscription 'School for All'.

The young activists had unrolled the banner in the center of Salihorsk on 5 May to protest against the unlawful drafting of their friend Ivan Shyla into the army before passing his last school exam. Later Ivan's underage brother Illia, who had been taking photos of the action, was also fined 1,750,000 rubles (about $630) by the administrative committee.

However, the action seems to have given some results: the Ministry of Education appointed the exam to I.Shyla on 9 June and the Ministry of Defense made an exception and permitted him to attend the exam (earlier the military refused to do it).

In the middle of May KGB officers paid a visit to the faculty of journalism of Belarusian State University. Activist of the *Young Front*, student Piakarskaya was summoned to the dean's office for a talk that lasted for 90 minutes. 'During all this time KGB officers were trying to incline me towards collaboration with them. They proposed me to inform them about the activities of the *Young Front* and promised to solve all my problems for it, for instance – to find me a job after the graduation from the university,' said Nadzeya. The name of one of the visitors is Yury Salauyou. Another talk with the student was held by S. Dubovik, Dean of the faculty, who demanded explanations concerning the information he had received from police about her detention during the 7 May action. Being answered that her activities outside the university were not his business, the dean threatened the activist with expulsion if she would be detained again.

Freedom of association

On 12 May the Ministry of Justice denied the state registration to the Belarusian Christian Democracy Party. The official reason was that the documents that had been passed for registration contained inaccurate information. Some founders of the party could not tell the place and the date of the assemblies allegedly attended by them, the number of the present people and the surnames of the delegates elected to the constituent assembly. According to the official answer, the documents also contained other violations. Bear in mind that on 15 April BCD had been denied registration, but the decision was suspended in connection with application of a number of founders of the party to the Ministry and receiving some new information that could influence the decision on registration. At that time BCD co-Chairperson Pavel Seviarynets stated to the *BelaPAN* the BCD would be doubtlessly denied registration as the authorities were afraid of legalizing a party working with educational establishments and the church.

In May the Ministry of Justice denied registration to the civil association *Young Social Democrats – Young Hramada*. The registration denial was

motivated by the non-compliance of the organization charter to the legal requirements: in particular, the charter didn't determine the limits of the use of the NGOs' property, didn't describe the order of acceptance of members and the order of appealing against the decisions of the NGOs' governing organs. The aims of activities of *Young Social Democrats – Young Hramada* forth in the charter didn't meet the requirements of the Belarusian legislation either.

On 21 May the Hrodna oblast court considered the lawsuit of the Hrodna oblast branch of the BPF Party against its non-registration. The judge dismissed the lawsuit and left the decision on non-registration of the party organization enforced.

On 28 May representatives of the civil human rights association *Nasha Viasna* from the Ministry of Justice the ruling *On denial of the state registration to the civil association*. Human rights defenders considered the reasons for the registration denial unlawful and stated that the decision of the Ministry of Justice was politically motivated and discriminative. They also stated their intention to appeal against it at the Supreme Court, though in 2007 and 2009 similar rulings of the Ministry of Justice were twice upheld by it.

Politically motivated criminal cases

The international human rights organization *Amnesty International* named the participants of the 'Process of 14' prisoners of conscience. *Amnesty International* convinced that the youngsters were punished for exercising their right to peaceful assemblies and freedom of opinion. In its information *Amnesty International* the names of 11 participants of the 'Process of 14' who were serving terms of personal restraint, being kept practically under home arrest under a vigilant surveillance. In his address Nicola Duckworth, Europe and Central Asia Program Director at *AI* on Prosecutor General of Belarus to free participants of the protest action from punishment and investigate into the allegations of beating of Aliaksandr Barazenka by a police officer on 23 March. In connection with this fact *Amnesty International* demanded that Prosecutor General's Office control the actions of the policemen who were responsible for observance of the punishment conditions and ensure the fair treatment of the aforementioned 11 persons.

Freedom of conscience

The legal proceedings between the *New Life* Church and the authorities concerning the dismantlement of the building in Kavaliou Street, 72 in Minsk started back in 2005. In January 2009 the Supreme Court confirmed the legality of the ruling of the Minsk city executive committee on confiscation of the piece of land, with subsequent buying out the building from the church for 37.5 million rubles. On 16 April the Minsk CEC made a written proposal to the believers to discuss the question of constructing a new building on another piece of land (about 0.4 hectare, four times smaller than the one they have in Kavaliou Street). On 5 May the believers unanimously voted against it, explaining their position with a number of material complications and the protraction with building of the new temple. Meanwhile, in his letter of 14 May Zmitser Shashok, Director of the Maskouski district housing economy of Minsk, proposed that the church vacated its building by 1 June. In its answer the administration of the church community stated that the believers intended to stay in the building.

Harassment of human rights defenders

On 15 May the Vitsebsk oblast procuracy passed to Vitsebsk oblast court the criminal case against Vitsebsk human rights activist Leanid Svetsik under Article 130, part 1 of the Criminal Code. The trial was scheduled for 10 June. Bear in mind that at first L.Svetsik was charged under two articles of the Criminal Code: incitement of racial, national or religious enmity (Article 130 of the Criminal Code) and defamation of the President of Belarus (Article 367). Later the investigation dropped the charges under Article 367 because of absence of evidence. The human rights defender had to give written acknowledgement not to leave Vitsebsk. Leanid Svetsik pleaded innocent and considered the criminal case as revenge for his human rights activities.

Politically motivated dismissals from work and expulsions from educational establishments

On 28 May Piatro Ruzau, a regional activist of the *Young Front*, was expelled from Baranavichy State University for 'violating the internal regula-

tions' after he had been detained for graffiti 'Freedom to Autukhovich' on the building of the Baranavichy meat processing and packing factory. The expulsion received a great covering in the media. The day after the expulsion the student received a telephone call from the dean's office and was invited for a talk. The rector S.Khachurka said he revoked the order for expulsion till the next detention. Piatro Ruzau thinks that the reason for his rehabilitation at the place of study was the media resonance. 'The rector was dissatisfied that this case was covered by mass media, journalists called the dean's office, etc. He said that I was discrediting and humiliating the university. Such active reaction of the media helped me a lot,' he said.

Freedom to peaceful assemblies

25 May a court in Lida punished the participants of the anti-nuclear action held on 25 April. Hanna Bunko, an activist of the *Young Front*, was fined 70,000 rubles (about $25) and Yauhen Rudy, an activist of the *European Belarus*, was issued with a warning. Prior to this, Yauhen Skrabets, another participant of the action, had been sentenced to one day of imprisonment for participation in the action.

The Brest city executive committee did not grant the application of the Brest oblast organization of the United Civil Party for picketing dated to the tenth anniversary of disappearance of former Interior Minister Yury Zakharanka. According to Chairperson of Brest oblast UCP Mikalai Koush, by means of this action political activists intended to draw the public attention to rude violation of the constitutional rights and liberties and persecution of the regime's opponents. The applicants were going to hold the picket in *Locomotive*, the stadium that had been determined by the Brest CEC as a place for mass actions. However, the action was banned, allegedly because a football tournament would be taking place at the stadium at the time of the action.

Freedom of information

6 May the Mahiliou oblast court considered the cassation complaint of Siarhei Niarouny, editor of the private Krychau newspaper Volny Horad, Uladzimir Kudrautsau, a founder of the newspaper, against the ruling of the Chavusy district court issued on 17 February. The College Board on Civil Affairs, presided by Sviatlana Simakova, Deputy Chairperson of the Mahiliou oblast court, upheld the verdict of the lower court on dismissing the lawsuit of *Volny Horad* the state newspaper *Leninskiy Klich* on protection of honor, dignity and business reputation. The editor of *Volny Horad* is convinced that it was a politically motivated decision. 'Now we will publish information in *Volny Horad* all information about the legal proceedings including the documents and speeches so that the readers could interpret everything on their own,' commented S.Niarouny.

On 18 May a freelance correspondent with the private newspaper *Bobruiskiy Kurier* asked for a meeting with the chairperson of the department of architecture and municipal engineering of Babruisk town executive committee on errand of the editorial board. The official, who used to give information to *Bobruiskiy Kuryer*, refused to meet with the journalist and said that at one of the recent counsels the local officials were ordered not to give any information to *Bobruiskiy Kurier*. The journalist was suggested to address the ideological department with all questions.

On 27 May democratic activist Ales Zarembiuk received an answer to the application filed by him with the Masty town executive committee. The officials wrote that they could not provide any premises for *a meeting* of the editorial board of the private newspaper *Nasha Niva* with its readers, without providing a reason.

On 29 May the Biaroza district court issued an oral warning for 'violation of the public order during mass action' (Article 23.34 of the Administrative Code) to human rights defender Tamara Shchapiotkina, a correspondent with Radio *Racyja* detained on 26 April in the town of Biaroza on her way home from the action Candle of Memory the 23rd anniversary of Chernobyl accident. A violation report had been drawn up on her. At the trial T.Shchapiotkina argued that she implemented her professional duties at the action. However, her journalist certificate was expired at the moment of detention. The court ignored the evidence confirming that she was working for Radio *Racyja*.

In May the Kletsk activist Siarhei Panamarou received an answer from the local procuracy to his complaint concerning the detention of journal-

ists and confiscation of equipment for shooting a video in central Kletsk. In the answer investigator of the procuracy Kanapatski confessed that the policemen of the Kletsk district police department had committed a number of violations of the administrative-process legislation of Belarus and informed Mr. Panamarou that the prosecutor of the Kletsk district submitted to the police department the demand for applying a disciplinary punishment to them.

Prison conditions

Mikalai Autukhovich still kept a hunger-strike against the lawlessness and self-will of the investigative agencies and absence of the prosecutorial surveillance over the investigation into his case. He was transferred from the medical department of the pre-trial prison to the republican prison hospital because of troubles with his liver. Human rights defenders Uladzimir Labkovich and Valiantsin Stefanovich twice attempted to pass him drinking water on his request, but received refusals. On 20 May the parcel was not accepted by the administration of the republican hospital of the Ministry of Internal Affairs ostensibly because Labkovich and Stefanovich weren't Autukhovich's relatives. On 22 May water was not accepted by the guards of pre-trial prison #1 of Minsk who said they did not accept water at all. Only 27 May, on the third attempt, some things were accepted – a TV antenna, chess and batteries. According to our information, M.Autukhovich has lost more than 15 kilos during the hunger strike.

On 26 May he was interrogated by the Hrodna investigator Vital Kukharchyk. According to the lawyer, the talk was general, there were no details. Questions about illegal keeping of firearms and explosives were asked. Human rights defender Aleh Vouchak said he doubted that the investigation had evidence of guilt of the accused. 'If there was any, the case would have been already passed to court, which the accused entrepreneurs insist on,' he said.

Bear in mind, that the Vaukavysk activists of entrepreneur movement Uladzimir Asipenka, Mikalai Autukhovich and Yury Liavonau were detained on 8 February. On 18 February they were given charges under Article 218 of the Criminal Code for deliberate destruction of damage of property.

Incitement of national and racial enmity

In May Zmitser Salauyou, a human rights defender from Navapolatsk, lodged the third complaint with the Navapolatsk town procuracy, demanding to bring a criminal case on facts of hooliganism and incitement of national enmity. At present a group of neo-Nazis acts with impunity in Navapolatsk. Nazi symbols and slogans are periodically drawn on the walls of Navapolatsk houses. Before this, Mr. Salauyou had informed the procuracy about it in December 2008 and in March 2009, but in both cases the procuracy refused to bring a criminal case. In his latest complaint the activist referred to the recent facts of activity of the neo-Nazis. For instance, on 9 May in the evening they took away badges with national symbols from young activist A.Kucharenka and threatened her with beating. Before it some teenage skinheads had also assaulted female activists of the BPF Youth and threatened them. The girls immediately phoned police, but did not get any support.

Review-Chronicle of Human Rights Violations in Belarus in June 2009

June was marked by trials of the politically motivated criminal cases against participants of the 'Process of 14' and human rights defender Leanid Svetsik. The under-aged Maksim Dashuk was punished with 15 months of personal restraint without direction to open penitentiary institution. Despite the adoption of the law on amnesty, only one participant of the 'Process of 14', Mikhail Pashkevich, was amnestied. Personal restraint was replaced with twice larger terms of corrective labor for two other participants of the 'Process of 14', Ales Charnyshou and Ales Straltsou.

The Belarusian authorities brought a criminal case under Article 193.1 for activities on behalf of the *Movement of Unity (Mun's Church)* against the 25-year old citizen of Minsk Yauhen Volkau. Human rights defenders expressed concern with the authorities again using this article.

The International foundation for the protection of human rights defenders *Front Line* joined the campaign *NO to Article 193.1!*, launched by the Assembly of Pro-democratic NGOs. In its call to join the campaign the Assembly stated that in 2005-2009 17 members of unregistered organizations were fined or imprisoned under this article. *Front Line* is convinced of the necessity to abolish this article that contradicts to provisions of the International Declaration of Human Rights and the International Covenant on Civil and Political Rights, ratified by Belarus.

The Swedish initiative *Östgruppen* that supports the development of democracy and human rights in the Eastern Europe and Central Asia condemned the refusal of the Belarusian authorities to register the civil human rights association *Nasha Viasna*. The Swedish human rights defenders demanded from the government of their country and the EU a more energetic reaction to the registration denial. As stated by Martin Uggla, Chairperson of *Östgruppen*, 'the decision of the Belarusian authorities is political. It proves that the Belarusian authorities are not going to engage in any democratic reforms'.

The Observatory for the Protection of Human Rights Defenders, a joint program of the International Federation for Human Rights (FIDH) and the World Organization Against Torture (OMCT), made an official statement concerning the registration denial to the civil human rights association *Nasha Viasna*. The Observatory called on the Belarusian authorities to stop harassment of the human rights organization and not to interfere with the activities of its founders in Belarus.

The PACE resolution of 23 June also contains a separate paragraph dedicated to the registration of *Nasha Viasna*. In its recommendation to the Belarusian authorities PACE stated that 'dialogue can only be sustained through continuous efforts by the Belarusian leadership to make progress towards the attainment of Council of Europe standards' and called to 'allow the registration of the human rights organization *Nasha Viasna*'. The human rights activists A.Bialiatski, U.Labkovich and V.Stefanovich made an open statement that they have acted and will continue acting on behalf of the unregistered Human Rights Center *Viasna*.

On 22 June Benita Ferrero-Waldner, Commissioner for External Relations and European Neighborhood Policy, paid an official visit to Minsk. Following the official negotiations the commissioner made an open address to the Belarusian society. She stated that the EU and the European Commission expected the implementation of the main conditions from Belarus: cooperation with the Bureau on Democratic Institutions and Human Rights (BDIHR) for reform of the electoral legislation of Belarus; abidance by the principles of freedom of mass media, assemblies and registration of NGOs and release of all political prisoners.

On 23 June the Parliamentary Assembly of the Council of Europe placed the death penalty moratorium as the obligatory condition for returning to Belarus its guest status at the PACE. In response the Belarusian media published information that the court system of the country was ready to introduce the moratorium. On 25 June Valiantsin Sukala, Chairperson of the Supreme Court of Belarus, stated to journalists: 'If such exceptional penalty is marked as temporary in the Constitution of Belarus, this norm inevitably entails its abolition'. As said by him, during the recent years the death penalty has been used in Belarus on rare occasions, 'that's why there are no obstacles from the point of view of the court system'.

However, against the background of such laudable statements, on 29 June the Brest oblast court sentenced a 30-year-old serial killer to death.

Harassment of political and civil activists. Activities of security services

On 8 June Sviatlana Lantsevich, Judge of the Vaukavysk district court, fined participants of the action in support of the political prisoner Mikalai Autukhovich on 16 May. Chairperson of the Hrodna oblast UCP organization Yury Istomin was fined 700,000 rubles (about $252) under Article 23.34, part 3 of the Administrative Code. The UCP members Zmitser Bandarchuk, Andrei Ihnatsiuk, Aleh Kalinkou, Mikhas Ladushka and Aliaksandra Vasilevich and Chairperson of the *Civil Forum* Pavel Drachou were fined 70,000 rubles (about $252) under Article 23.34, part 1. The trial of Vital Huliak was postponed because of his absence.

On 10 June the administrative commission of the Asipovichy district executive committee fined participant of the 'Process of 14' Artsiom Dubski 875,000 Belarusian rubles (about $315). Artsiom was detained on 10 May. He was accused of drawing graffiti 'Freedom for Autukhovich!' on the walls of an administrative building.

On 10 June the Leninski district court in Minsk fined the activists of the *European Belarus* Aleh Ladutska and Maksim Viniarski 1,050,000 rubles (about $358) each and Palina Dziakava – 700,000 rubles (about $252) for holding an action of solidarity with Mikalai Autukhovich near Presidential Administration. Underaged Katsiaryna Liudvik was released.

On 12 June the press-service of the *Young Front* published information about bringing a criminal case on kidnapping of Dzianis Karnou and Nasta Palazhanka on the eve of the 25 March action. The activists were seized by unknown people and taken out of the city. Dzianis Karnou was beaten and robbed. At first the victims applied to police, but received a negative reply. Then representatives of the civil society addressed the Prosecutor General and a number of state institutions and foreign embassies with the demand to investigate into the crime. The address was signed by several tens of well-known politicians and artists.

On 16 June in Homel, a computer and literature belonging to the *Young Front* activist Andrei Tsianiuta were confiscated as a result of an unsanctioned search of his apartment. Bear in mind that A.Tsianiuta was fined for an action on the Day of Mother Language, but could not pay the fine due to financial problems. The court marshals came to his house to confiscate some property, but he refused to open the door, after which they called police. An investigator searched the apartment without the prosecutor's warrant.

On 22 June Valiantsina Kismiaroshkina, Judge of the Pershamaiski district court in Vitsebsk, fined the young activists Kastus Ivanou and Aliaksei Pilevich 700,000 rubles (about $252) each. The activists were detained on 26 April, on the eve of the commemorative action dedicated to the 23rd anniversary of Chernobyl accident. In their reports the police accused A.Pilevich of haven't shown his passport and K.Ivanou – of physical resistance during the detention. The judge found the defendants guilty though the violations weren't seen in the police video of the action. She just 'trusted' the police witnesses.

Freedom of association

On 4 June the Supreme Court of Belarus did not grant the lawsuit of the founders of the Assembly of Pro-democratic NGOs against the Ministry of Justice concerning the registration denial. The same day a press-conference with participation of Chairperson of the Working Group of the Assembly of Pro-democratic NGOs Siarhei Matskevich, representatives of the HRC *Viasna* Ales Bialiatski and Valiantsin Stefanovich and political scientist Yury Chavusau took place.

On 4 June the founders of the civil human rights association *Berastseiskaya Viasna* learned that the Brest oblast executive committee refused to register the organization for the third time. The main reason was that the owner of the apartment revoked his guarantee to provide the organization with legal address, after receiving a telephone call from the Brest oblast executive committee which 'advised' him to do it. Human rights defender Uladzimir Vialichkin stated that in such a way the authorities deprived citizens of the constitutional right to association. On 22 June the founders of the organization appealed against the registration denial at the Brest oblast court.

On 10 June the administration of the Belarusian Christian Democracy Party filed with the Supreme Court a lawsuit against the actions of the Ministry of Justice during the state registration of the BCD. Christian democrats demanded that the authorities register the party. They considered the reasons for non-registration as unlawful, groundless and not corresponding to the actual circumstances in which the party was established. The Ministry of Justice refused to register the party on 12 May, after studying the registration documents and finding alleged inaccuracies in them.

On 15 June the Ministry of Justice refused to register the Party of Freedom and Progress for the fourth time because 'the minutes of the constituent assembly contain contradictory information' (in particular, the Ministry of Justice allegedly found violations in the order of nomination of candidates) and 'the list of founders contains incorrect information'. On 27 June the political council of the party decided to appeal against the non-registration at the Supreme Court. The attempts of the Party of Freedom and Progress to register with the state started in 2003. Its leader Uladzimir Navasiad is indignant at the reprisals of the Ministry of Justice against the founders: in some cases the officers of the Ministry of Justice submitted copies of the registration documents to district executive committees and KGB that pressurized the founders.

On 16 June Ales Bialiatski, Uladzimir Labkovich and Valiantsin Stefanovich, founders of the civil human rights association *Nasha Viasna*, appealed to the Supreme Court of Belarus with a lawsuit against the registration denial by the Ministry of Justice. The human rights defenders stated that the reasons for non-registration of *Nasha Viasna* were unlawful, discriminative and violated the rights and legal interests of founders of the civil association.

On 25 June the main justice department of the Hrodna oblast executive committee denied the state registration to the educational association *Spadchyna* in the town of Biarozauka. The official reason was that the registration documents allegedly didn't meet the legal requirements. Siarhei Trafimchyk, Chairperson of the organization, said that the registration denial witnessed the reluctance of the authorities to see another legal democratic organization.

Politically motivated criminal cases

On 11 June Mikhail Pashkevich, leader of the *Young Democrats* who had been sentenced to two years of house arrest within the guidelines of the 'Process of 14', was familiarized with the ruling of the Biaroza district prosecutor on his amnestying. By that time he spent almost ten months in the conditions of house arrest. He became the first participant of the 'Process of 14' who was granted parole.

On 15 June it became known that the Tsentralny district court in Minsk considered the proposals of police on mitigating the penalty to the participants of the 'Process of 14' Ales Charnyshou and Ales Straltsou and replaced personal restraint with corrective labor (according to the law the term of the corrective labor in this case is twice longer than the term of house arrest). Besides, as a result the activists have to pay 15% of their wages to the state.

On 15 June the Maskouski district court in Minsk found the participant of the 'Process of 14' Maksim Dashuk guilty of violating the regime of his penalty (Article 415 of the Criminal Code). Representative of the procuracy asked the court to use Article 70 of the Criminal Code, according to which one could be given an easier punishment because of mitigating circumstances: the death of Maksim's father and his being under age. As a result Judge Kuzniatsova sentenced the defendant to 15 months of personal restraint without direction to penitentiary institution.

Freedom of conscience

On 17 June the administrative commission of the Horki district executive committee fined 175,000 rubles (about $63) Piatro Malanachkin, an initiator of collection of signatures against construction of a nuclear power station, believer of the unregistered Protestant community *Freedom In God*. He was found guilty of violating the law by installing a stand for religious literature near his house. P.Malanachkin stated that he would not demolish the stand, which the commission ordered him to do in oral form. Mr. Malanachkin is convinced that his punishment is connected to the activities of the anti-nuclear group in Horki.

On 18 June Siarhei Hrakhouski, a senior investigator of the most important cases of Minsk procuracy, brought a criminal case under Article 193.1 against the 25-year-old citizen of Minsk Yauhen Volkau for activities on behalf of the unregistered organization *Movement of Unity* (also known as Mun's Church). On 29 June the investigator refused to admit Volkau's lawyer to an interrogation, which is a rude violation of Article 62 of the Constitution that guarantees all citizens the right to legal defense.

Harassment of human rights defenders

10 June the Vitsebsk oblast court started the trial of human rights defender Leanid Svetsik accused of involvement in sending threat letters on behalf of the Russian National Unity (Russian neo-Nazi organization) in 2006-2007. Valiantsin Stefanovich, lawyer of the HRC *Viasna*, stated that the criminal case against L.Svetsik and the trial were aimed at discrediting the human rights movement. The Vitsebsk oppositionist Barys Khamaida, who had also received threat letters from RNU and was a victim in the case, stated impeachment to Judge Halina Urbanovich. He said that he believed neither that the judges appointed by Aliaksandr Lukashenka could try cases fairly nor that Svetsik was guilty.

Article 130, part 1 of the Criminal Code, under which Leanid Svetsik was accused, envisages up to 5 years of imprisonment as punishment.

Politically motivated expulsions from educational establishments and dismissals from work

23 June *Hrodnaselbudprayekt* did not extend the labor contract to Raman Yurhel, representative of the Belarusian Helsinki Committee in Hrodna oblast. The activist was explained that the new contract was not concluded with him because of his bronchial asthma, hindering in implementation of the working duties by him. He was also reminded about having two administrative punishments for organization of unauthorized pickets. Mr. Yurhel considers that the administrative punishments are the real reason of his dismissal.

Freedom to peaceful assemblies

The Minsk city executive committee did not authorize pro-life actions dated to the Universal Child Protection Day, 1 June. According to the answer of the officials, received by Aliaksei Shein, co-Chairperson of the Belarusian Christian Democracy Party, the Druzhby Narodau Park, where the BCD activists intended to hold a picket against abortions on 2 June, would be cleaned at that time. The BCD secretary Dzianis Sadouski was also informed that actions near maternity hospitals could violate the public order. These pickets were planned within the frames of the campaign *Strong Family – Strong Belarus*, launched by the BCD in January 2009.

On 25 June Maryna Damnenka, Judge of the Tsentralny district court in Homel, fined Piatro Kuzniatsou, Anatol Paplauny, Vasil Papou and Yury Zakharanka, participants of an action in the memory of Yury Zakharanka, former Minister of Interior. Uladzimir Katsora, a regional coordinator of the *For Freedom* movement, was sentenced to three days of jail. All activists were accused of violating the law on mass actions. Uladzimir Katsora was arrested after the trial and went on hunger strike in protest.

Freedom of information

On 3 June the administrative commission of the Chyhunachny district executive committee of Vitsebsk fined the distributor of private socio-political press Barys Khamaida who was detained on 7 May for 'spoiling the appearance of the central part of the city' 105,000 rubles (about $38).

On 26 June the Astravets district court fined Ivan Kruk, initiator of the campaign *Astravets nuclear power station is a crime* 700,000 rubles (about $252). He was accused of distribution of printed editions without imprint for giving to a neighbor-pensioner some newspapers with information about the consequences of construction of the nuclear power station in Belarus (*Astravetski Vesnik, Mirny Atam, Novy Chas, Glotok Vozdukha Vileishchyna*). During the trial Mr. Kruk tried to prove that he had given the newspapers for reading and hadn't distributed them. However, the court ignored this explanation. As stated by the activist, the police actions violate Article 33 of the Constitution of the Republic of Belarus which guarantees freedom of opinion

and expression, and Article 34, which guarantees citizens' rights to receive complete and timely information.

On 23 June, police detained on the highway Hrodna-Minsk Mechyslau Yaskevich, Deputy Chairperson of the Union of Poles in Belarus in disgrace; Ihar Bantsar, the UPB Press Secretary; Andzhei Pisalnik, journalist with the *RzeczPospolita*; and Andrei Pachobut, journalist with *Gazeta Wyborcza*. They were kept at the Shchuchyn district police department for three hours and then were let go. Police confiscated from the detainees the newspaper *Glos znad Niemna na uchodzstwie* the magazine *Magazyn Polski* that were issued by the UPB. The policemen said they detained the UPB activists because of the information that they were allegedly trafficking anti-state editions.

Prison conditions

2 June the investigation into the criminal case against Mikalai Autukhovich, Yurly Liavonau and Uladzimir Asipenka was extended for another month. On 9 June, lawyer Pavel Sapelka filed a complaint against actions of the investigation in the case of his client Mikalai Autukhovich with the procuracy. The lawyer had no right to tell any details of his complaint as he gave a written undertaking for nondisclosure of details of the case. On 29 June Aliaksandr Kamarouski and Aleh Volchak, co-Chairmen of the organizing committee of the organization of Afghan War Veterans *Defenders of Fatherland*, again demanded from Prosecutor General Ryhor Vasilevich to change the restraint to the Vaukavysk entrepreneurs. 'If Autukhovich dies, the procuracy will have to answer for it, as it is legally responsible for controlling the implementation of the law', says Aleh Volchak. The human rights defender also insists on establishment of an independent international commission for expertise of the criminal case against the Vaukavysk entrepreneurs. During the five months the investigation concerning the official accusation of arsons was not conducted. Instead, there was unofficial investigation concerning a grenade launcher. By that time Mikalai Autukhovich had been on hunger strike for more than 80 days and had serious health problems.

On 26 June the prisoner of the Mahiliou colony, US citizen Emmanuel Zeltser stopped the hunger strike he had declared on 8 June to protest against

the actions of the Minsk city court that did not present to the colony administration the documents that were necessary for considering the question of amnestying him.

Emmanuel Zeltser was arrested upon landing at Minsk airport in March 2008, and in August he was sentenced to three years in prison on charges of industrial espionage and using forged documents. His secretary Vladilena Funk (Bruskova) was sentenced to one year of imprisonment and was released in March 2009.

Death penalty

The Brest oblast court sentenced a 30-year-old man to death for a series of murders. His 28-year-old accomplice was given a life sentence.

In the second half of January in Hrodna, representatives of the liquidated Human Rights Center *Viasna* held the action *Human Rights Defenders Against the Death Penalty* together with young activists of the Belarusian Social Democratic Party, the United Civil Party, the Young Democrats and the Civil Forum. Three days in succession they handed out pocket calendars with the inscription 'Belarus is the only country in Europe that still retains the death penalty' to Hrodna citizens and told them about the situation of the death penalty in Europe and in Belarus.

On 24 June Viktar Huminski, Chairperson of the National Security Commission of the Chamber of Representatives, stated that death penalty could be abolished in Belarus, but not because of the PACE demands, but because Belarusians had changed since the times of referendum 1996. 'A special group has been established at the Chamber of Representatives to study the question of abolition of the death penalty and work out the appropriate proposals. The PACE knows about it,' said Mr. Huminski. Bear in mind that on 23 June the PACE voted for returning of the guest status to Belarus provided that the Belarusian authorities would introduce a moratorium on executions.

Review-Chronicle of Human Rights Violations in Belarus in July-August 2009

A year passed since the celebration of the official Independence Day on 3 July 2008, at which more than 50 people had been injured after the explosion of a home-made bomb. A criminal case under the article 'malignant hooliganism' was brought on this fact. Aleh Piakarski, Chairperson of the organized crime department of the Ministry of Internal Affairs, stated to *Interfax* that 120 persons were considered as suspects in the explosion case since 3 July 2008 till 3 July 2009, but none of them proved to be guilty.

Police also looked for the guilty among oppositionists. The campaign on dactilography of the population reached an unprecedented scale. About 1.3 million people (out of about 4.5 male adults) were fingerprinted, while 12,000 refused this procedure. The MIA officers stated the investigation was going on 24 hours a day. However, the main result was missing – the perpetrators weren't found. Soon after the explosion the state secretary of the Security Soviet Viktar Sheiman and Head of Presidential Administration Henadz Niavyhlas lost their positions.

Entrepreneur Mikalai Autukhovich was accused of preparation of a terrorist act. On 8 August six months turned since the moment when M.Autukhovich, Yu.Liavonau and U.Asipenka had been arrested in Vaukavysk on charges in arson of a policeman's house. The investigation was closed and the lawyers had to give a written undertaking not to disclose the investigation details. Autukhovich kept a hunger strike for three months, putting his health and life in danger to protest against the unlawful arrest. Though he felt better after stopping the hunger strike on 16 July, the prisoner still has serious health problems.

There were no significant oppositional actions in July-August. However, participants of local and regional actions still faced administrative pressurization, including detentions, fines, arrests and politically motivated firings. On 16 July, a Solidarity Day, more than 60 people were detained in Belarus. This time police brought no charges against the detainees.

Belarusian human rights defenders expressed their concern with bringing a new criminal case under Article 193.1 of the Criminal Code, 'Unlawful organizing or running a civil association or a foundation', against representative of an unregistered religious organization. Prosecutor General did not agree with the arguments of human rights defenders about the incompatibility of Article 193.1 with the international undertakings of Belarus in the sphere of human rights. This is stated in the official answer of Deputy Prosecutor General Siarhei Myshkavets to the inquiry of the international civil association *Civil Belarus* the proposal for the abolition of this article. The country's authorities also ignored the demands to use amnesty towards the young activists who were punished with personal restraint within the frames of the 'Process of 14'. One of them, prisoner of conscience Artsiom Dubski, was sent to a penal colony to serve a prison term.

On 17 August, relatives of the missing Belarusian politicians and the independent lawyers who worked on their cases, held a special press-conference on the tenth anniversary of the still undisclosed kidnapping of former Deputy Speaker of the Supreme Soviet Viktar Hanchar and his friend, businessman Anatol Krasouski. During this long period of time the relatives of the missing opponents of Aliaksandr Lukashenka have been trying to make the authorities conduct an objective investigation into these crimes. The authorities haven't done anything to bring the truth about them public. Human rights defender Hary Pahaniaila stated at the press-conference that from the juridical point of view the cases of the missing politicians had been disclosed. The persons who are suspected in these crimes have been identified. 'Otherwise we would have received the refutation of the political version of the disappearances', emphasized the lawyer. On 17 August Viktar Hanchar's wife Zinaida Hanchar; Volha Zavadskaya, mother of kidnapped cameraman of ORT TV channel Dzmitry Zavadski; and Uliana Zakharanka, mother of former Interior Minister Yury Zakharanka; addressed the General Procuracy demanding that Prosecutor General Ryhor Vasilevich made a public report about the results of the investigation into 'disappearances' of their relatives by 16 September.

There was no progress in freedom of press either. According to the BAJ information, only one private newspaper out the 'list of 13', *Bobruiskiy Kurier*, was returned to the state distribution net on recommendation of the Civil Soviet on mass media.

In the beginning of August the Belarusian consulate in Paris denied visa to Souhayr Belhassen, President of the International Federation of Human Rights. During her visit Mrs. Belhassen intended to meet with representatives of the civil society, discuss the progress in the democratization of the Belarusian society and attend the hearings in the Supreme Court concerning the registration denial to the civil human rights association *Nasha Viasna*. In autumn 2007, FIDH President visited Belarus for the first time. She submitted official letters to the Ministry of Internal Affairs, the Ministry of Justice and other state branches, asking for meetings with their administration. These letters were ignored by all officials.

On 3 August the press-service of the office of the European Commission in Minsk issued an official statement to express its serious concerns with another death sentence in Belarus. 'This death sentence has been issued by the Minsk oblast court to Andrei Zhuk. A month earlier another death sentence was made,' is pointed in the document. The European Union again called Belarus to abolish the death penalty, and introduce a moratorium on its use as an initial step. Bear in mind that on 23 June the Parliamentary Assembly of the Council of Europe decided that Belarus can regain its guest status at the Council of Europe only after introduction of a death penalty moratorium. Nevertheless, two death verdicts were issued after the PACE sitting.

Freedom of association

2 July the Supreme Court of Belarus upheld the decision of the Ministry of Justice on non-registration of the *Young Democrats*. Members of the oppositional organization are sure in the absence of the legal grounds for the registration denial and stated that the found shortcomings in the registration documents could have been corrected easily if the Ministry had allowed it. However, officers of the Ministry of Justice qualified the shortcomings in the registration documents as 'non-presentation of the documents necessary for registration'. The *Young Democrats* stated that they once again ascertained that the actions of the Ministry of Justice were aimed at the prevention of appearance of new registered civil organizations and maximally hampered the development of the civil society in the country.

On 22 July Valer Samaliuk, Judge of the Supreme Court, turned down the complaint of the Belarusian Christian Democracy Party against its non-registration by the Ministry of Justice. BCD co-Chairperson Aliaksei Shein believes that 'the reasons for the registration denial are political, which is confirmed by the campaign on pressurization of the BCD founders, organized by the Ministry of Justice in cooperation with KGB, MIA and the local authorities'. 'BCD is a party that exists de facto. It will continue its activities even in the absence of the state registration,' stated Dzianis Sadouski, Responsible Secretary of the party. The party administration stated its intention to apply for the state registration once again.

On 21 July Nina Ustsimchuk, Judge of the Brest oblast court, turned down the complaint against the non-registration of the Brest oblast human rights center *Berastseiskaya Viasna*. It was already the second registration denial in 2009. This time the official reason for it was the revocation of the guarantee letter for providing the organization with a legal address, about which the human rights activists weren't informed.

On 12 August the Supreme Court of Belarus turned down the complaint of the founders of the civil human rights association *Nasha Viasna* against the registration denial. The third attempt of legalizing the organization gave no results, though the arguments of the representative of the Ministry of Justice were far-fetched and groundless. The human rights activists decided not to make any further steps for registering with the state. Instead, they stated their intention to address the UN Human Rights Committee with a complaint against the systematic violation of their right to association. As stated by Deputy President of the International Federation for Human Rights (FIDH) Ales Bialiatski, Chairperson of the liquidated Human Rights Center *Viasna* and Elected Chairperson of *Nasha Viasna*, during the last attempt the process of registration was as important as the result. The founders of the civil association managed to shed light on the whole mechanism of the state suppression of the right to association in Belarus.

Harassment of civil and political activists

On 1 July the Tsentralny district court in Minsk fined the detained activists of the *European Belarus* Uladzimir Kumets and Maksim Viniarski 350,000 rubles (about $125) for hanging out a streamer 'Freedom for Autukhovich!'. Police accused the detainees of 'disorderly conduct' and told they allegedly used obscene language and insulted the police. A false witness confirmed this information at the trial.

In the beginning of July, Judge of the Leninski district court in Hrodna Bialinski fined the young activists Yauhen Hatalski and Raman Shvaba 175,000 rubles (about $62) each for distribution an anti-crisis program. The charges were brought under Article 21.14 of the Administrative Code – violation of the rules of improvement of settlements. At the police station the detainees were also fingerprinted. Besides, the member of Hrodna branch of the *Young Front* Hatalski was also summonsed for a talk with the administration of the polytechnic where he studied. The talk was conducted in presence of representatives of the ideological vertical and KGB officers, who threatened the activist with expulsion from the educational establishment.

On 22 July, Judge of Homel oblast court Dzmitry Uloha turned down the cassation complaints of the democratic activists U.Katsora, V.Paliakou, A.Paplauny, Yu.Zakharanka who had been fined on 25 June for an action in the memory of the missing police general Yury Zakharanka.

The Leninski district court in Brest fined the local history student Dzianis Turchaniak 1.4 million rubles (about $493) and *Young Front* activist Mikhas Iliin – 140,000 rubles (about $49), for participation in the picket near the monument to the 1000th anniversary of Brest, held on 17 August. At the picket the activists handed out leaflets with the proposal that the authorities should return to the people the money raised for the monument.

By the way, the city celebrated only its 990th anniversary in 2009. Nevertheless, the local authorities forced the people to donate money for the monument. The total budget is 1.8 billion rubles. The final variant of the monument had huge differences from the initial project. There are 12 bronze tables on the sides of the monument. All inscriptions in them are in the Belarusian language, but there are as many as 75 mistakes. 'It is a triumph of illiteracy', points Yury Bushliakou, candidate of philological sciences.

On 12 August the Chyhunachny district court in Vitsebsk fined 175,000 rubles (about $62) Taras Surhan, the activist of *Young Belarus* who attempted to hang out a white-red-white flag on a bridge over the Western Dzvina river. The verdict of Judge Uladzislau Shyrokau was grounded on the police report accusing T.Surhan of unauthorized picketing. An administrative warning was issued to the activist of the *Young Hramada* Valer Ramanenka for alleged involvement in hanging out the streamer 'Freedom for Political Prisoners!'. On 16 July police also detained the young activists Katsiaryna Aliakseyeva and Filip Shaurou.

Politically motivated criminal cases

On 7 July the Asipovichy district court sentenced *Young Front* activist Artsiom Dubski, participant of the 'Process of 14', to one year of imprisonment. Dubski was charged under Article 415 of the Criminal Code for violating the rules of serving the penalty. The reason was his moving to the Ukraine without the permission of the local police inspector. Dubski was taken into custody in the court hall. On 13 July he was transferred to the pre-trial prison in Babruisk and was kept there until his case was reviewed by a higher court instance. On 20 July he declared a hunger strike to protest against the severe prison conditions. Three days later he stopped striking and informed that he was being treated better.

On 13 July, members of the Human Rights House Foundation addressed the Belarusian authorities with the call to immediately and unconditionally release the young activist, turn away from politically motivated harassment and completely abolish all penalties to all participants of the 'Process of 14'. *Amnesty International* declared Artsiom Dubski and 11 other participants of the 'Process of 14' prisoners of conscience.

On 12 August figurant of the 'Process of 14' Aliaksandr Barazenka learned he had been amnestied. Meanwhile, another participant of the 'Process of 14' Ales Straltsou was not granted parole, as the Minsk city court turned down his complaint against the verdict of the Tsentralny district court in Minsk of 15 June 2009 mitigating the penalty from which Straltsou was to have been amnestied in conformity with the law *On Amnesty*. Chairperson of the Minsk city court, Putsila, stated in a letter that the verdict of the Tsentralny district court was lawful and well grounded, that's why there were no reasons to grant the complaint. The Belarusian human rights defenders and the world community demanded amnesty for all participants of the 'Process of 14'. Only four of them – Aliaksandr Barazenka, Mikhail Pashkevich, Mikhail Subach and Pavel Vinahradau – were amnestied by the end of August.

On 12 August in Brest, police detained Mikhas Iliin, Chairperson of the local branch of the *Young Front*. From the police station he was escorted to the procuracy, where he was issued with a 'warning and caution' statement for participation in the unregistered organization, which is penalized by Article 193.1.

On 20 August the College Board of the Mahiliou oblast court turned down the cassation complaint of Artsiom Dubski against the verdict of the Asipovichy district court and refused to change the restraint to him. The trial was held in the absence of the plaintiff, who was not brought to it from the jail.

On 28 August Dubski was transferred from the pre-trial prison in Babruisk to a penal colony in Mahiliou oblast.

Harassment of human rights defenders

On 16 July Halina Urbanovich, Judge of the Vitsebsk oblast court, found human rights defender Leanid Svetsik guilty of inciting to national and racial enmity (Article 130 of the Criminal Code) and fined him 31.5 million rubles (about $11,050). Besides, the court obliged Svetsik to pay 1 million rubles in moral damages to Tamara Krasnova-Husachenka, Chairperson of the Vitsebsk branch of the pro-governmental Union of Writers of Belarus.

Freedom to peaceful assemblies

In July, Minsk authorities twice prohibited pickets in support of homeless animals, the first of which was to have taken place on 10-11 July and the second – on 31-July near the vivarium of the city's organization *City's Fauna*. In the first refusal the officials stated that the application allegedly did not meet the requirements of the law *On mass events*, and in the second – that the action would allegedly block the traffic and movement of pedestrians. The picket organizers intended to turn the public attention to the necessity of adopting a law on protection of animals from cruel treatment. They proposed creation of a program on catching and sterilizing homeless animals and finding new owners for them; development of the volunteer movement and the establishment of long-term animal quarters for cats and dogs and insisted on working out educational programs for the population.

On 13 August the Haradok district court found Leanid Autukhou, Chairperson of the Haradok organization of the BPF Party, guilty of organizing an unauthorized mass action and fined him 1,050,000 rubles (about $365). The matter is that on 27 June local oppositionists came to the central square of the town with national white-red-white flags in order to congratulate the citizens on the anniversary of the Independence Declaration. The Belarusian authorities abolished this holiday after the 1996 referendum and started celebrating the Independence Day on 3 July, the day when the Soviet troops liberated Minsk from the Nazis.

In August, the Minsk authorities also banned a picket in defense of social rights of citizens in conditions of the economical crisis, organized by the Minsk city organization of the Party of Communists Belarusian on 21 August on Yakub Kolas Square.

Freedom of information

14 July Aliaksandr Arkhipau, Prosecutor of the Minsk city procuracy, issued warnings for 'unlawful journalist activities' to the members of the Belarusian Association of Journalists Aksana and Aliaksandr Kalinkins. The reason for the warning was their cooperation with the Russian TV Channel *Telekanal Blagikh Novostey* (TV Channel of Good News). The procuracy enumerated the reports made by the journalists and broadcast by the TV channel: celebration of the Catholic Easter, spiritual-educational events, the opening of the informational-educational religious center in Minsk, etc.

On 20 July the editorial board of the *Barysauskiya Naviny* newspaper received a negative answer to the request for accreditation from the Barysau district executive committee. The letter signed by Yury Shyliahin, acting Chairperson of the executive committee, points that mass media are separately accredited for each event and received invitations and therefore accreditation of journalists was possible only according to this scheme. It is almost a word-to-word repetition of the letter, received from the main ideological department of the Minsk oblast executive committee several days before. The chief editor of the newspaper Anatol Bukas stated that this accreditation scheme was a fiction and such letters were plain come-offs.

On 29 July the Hrodna oblast procuracy issued an official warning to Ihar Bantsar, chief editor of *Magazyn Polski*, for his professional activities and the fact that the magazine of the disgraced Union of Poles in Belarus had no imprint, which contradicted requirements of the Belarusian legislation. Meanwhile, *Magazyn Polski* been issued in such a format for five years already and didn't face such pretensions before. The editor believes that the real reason for the warning is the content of the May issue, featuring a collage of Aliaksandr Lukashenka looking like the Russian czar Aliaksandr III. This edition also contained a critical article by Andzhei Pisalnik *Kolia Must Become President*. Several days after the warning to Bantsar Mr. Pisalnik also received a warning from the Homel oblast procuracy for trafficking the unregistered editions *Glos znad Niemna na uchodzstwie* and *Magazyn Polski*.

On 21 August Volha Sharapkina, a member of the Belarusian Association of Journalists from Mahiliou, received from the Chavusy district procuracy an official warning for journalist activities without accreditation. The journalist believes that the real reason for the warning was her report about an orphanage broadcast on the *BelSat* TV channel.

At the end of July the editorial board of the *ARCHE* received a letter from Ihar Dudzich, Director of the state monopolist *Belsayuzdruk*. The official stated that *Belsayzdruk* would not continue selling the magazine through its newsstands because there were too many periodicals including mass-political and fictional ones. Valer Bulhakau, chief editor of *ARCHE*, stated that conditions for distribution of press remained unequal. In particular, on 11 August Vasil Zdaniuk, chief editor of the private socio-political newspaper *Snplus* received an official letter from Yury Komar, Chairperson of the state monopolist on the press subscription *Belposhta* that the newspaper would not be included in the subscription catalog for the second half of 2009. No explanations were offered for it. The Brest branch of *BelPoshta* refused to return the subscription to the private newspaper *Hantsavitski Chas*.

On 17 July the Zhodzina police detained six activists of the United Civil Party for an attempt to hand-out the private newspaper *Novy Chas* at the check-point of the *BelAZ*. About 500 copies of the newspaper were confiscated. Aliaksei and Raman Bahdanovichs, Uladzimir Kazak, Siarhei Kliuyeu, Aliaksandr Serhiyenka and Aliaksandr Stsepanenka were guarded to the police station where a confiscation report was drawn up. The leader of the United Civil Party Anatol Liabedzka also came there to hand-out to the workers *Novaya Hazeta* and brochures about anti-crisis measures, proposed by representatives of the democratic movement. He said that 14 police and KGB officers waited for the activists near the check-point to prevent them from distributing the editions. That's why A.Liabedzka addressed Interior Minister Anatol Kuliashou with the request to investigate into the incident and return the unlawfully confiscated informational materials.

Freedom of conscience

14 July Aksana Sarakhman, Judge of the court in Baranavichy and Baranavichy district, fined the *New Generation*, Church of the association of denominations of Full Gospel Christians, 350,000 rubles for 'non-charter activities'. The report, under part 1 of Article 9.9 of the Administrative Code composed on 21 June by Siarhei Puzikau, leading specialist of the ideological department of the Baranavichy city executive committee, was grounded solely on the basis of an advertising pamphlet.

On 12 August Vital Kozyrau, Judge of the Homel district court, fined Chairperson of the religious community J*ehovah's Witnesses* Yury Rashetnikau 1,050,000 rubles (about $365) following a search of the private house where the believers held their gatherings. The matter is that on 21 July participants of a religious meeting refused to let in the police in the absence of the owner. Then the police officers called to the local rescuers who sawed the lock. They confiscated the musical equipment and drew up a report on violation of the orders of organizing the mass event by Yu. Rashetnikau.

On 20 August it became known that the Minsk city procuracy dropped the criminal case against Yauhen Volkau 'because of absence of corpus delicti'. In June Volkau was accused of actions on behalf of the unregistered *Movement of Unity (Mun's Church)* which was the first criminal case against a representative of an unregistered religious organization since the enforcement of Article 193.1 in 2006.

Politically motivated dismissals from work and expulsions from educational establishments

July Aliaksandr Strachuk, a correspondence student of Brest Pedagogical University and activist of the BPF Party, was informed that his labor contract, ending on 7 August, would not be extended. Mr. Strachuk had worked at Kobryn public utilities for a year and had no pretensions from the administration. He thinks he was fired because of his refusal to join the pro-governmental organization *Belaya Rus*.

In July Pavel Chuduk, a member of the *BPF Youth*, was expelled from the second year of the theological faculty of Belarusian State University because of 'poor academic progress'. He encountered problems after a trip to Sweden, where he monitored the elections to the European Parliament.

Pavel returned to Minsk on 9 July and was immediately summoned to the dean's office. There he was shown some photos from the *Chernobyl Way* and was told it was impossible to combine civil and political activism and studies at the faculty headed by Metropolitan of the Orthodox Church Filaret. Later the lecturers on religious studies and German did not agree to give him credits, after which the student was expelled from the university.

Earlier Pavel had no problems with his studies and was quite a successful student. 'I don't rule out that I will try entering European Humanities University in Vilnius to continue my studies', said the activist.

At the end of August the director of Lukoml hydroelectric power plant (HEPP) warned Aliaksei Habryel, Chairperson of a primary organization of the Belarusian Independent Trade Union, that his labor contract wouldn't be extended because of his trade union activities.

Prison conditions

1 July the American lawyer Emmanuel Zeltser, granted parole by Aliaksandr Lukashenka on 30 June, arrived at New-York and gave his first interview with *RFE/RL*. Asked about the way he had been treated in KGB custody and in prisons, whether he had been really beaten, tortured and blackmailed, he answered that he had been deprived of the medicines that were necessary for him because of his chronic illnesses. He also confirmed physical abuse. All in all, Emmanuel Zetlser has the worst memories about his stay in the KGB jail. 'Belarus is the descendant of the worst of what was there in the USSR. What can we say if there's a portrait of Dzerzhinskiy in each investigator's office. He's a murderer! Nowhere else in the CIS countries have I met an organization with such a terrible name, KGB, only in Belarus! It has been renamed everywhere, as it is a very terrible word, sounding like Gestapo.' He also said that about 90% of the people who were sitting in the Belarusian jails either got there because of lawlessness or received too large terms. The penitentiary system of Belarus does not meet the western standards for human treatment of prisoners. Mr. Zeltser also pointed at the absence of medical aid and the redundancy of prisoners.

On 3 July the term of the investigation into the case of the Vaukavysk entrepreneurs Mikalai Autukhovich, Yury Liavonau and Uladzimir Asipenka was extended again. On 16 July M.Autukhovich stopped the hunger-strike that lasted for 91 day, since 16 April. During this time he lost more than 35 kilos and was in a critical state.

On 8 August sixth months passed since the detention of the Vaukavysk entrepreneurs. The investigation was extended for two more months. One of the arrested, Yury Liavonau, was released under written undertaking not to leave and not to disclose details of the investigation. As a result all circumstances of the criminal case and the charges on it remained closed to the public. M.Autukhovich, Yu.Liavonau and U.Asipenka were detained on 8 February. Ten days after it they were charged under Article 218 of the Criminal Code, 'deliberate damage or destruction of property'. On 23 June a criminal case on preparation to a crime under Article 359 was brought against M.Autukhovich and 'other persons' (according to the MIA information). Taking into consideration the gravity of the charges, human rights defenders demand an open trial of the case.

Death penalty

On 22 July the Minsk oblast court pronounced verdicts to murderers of workers of *Balshavik Agro*. One of them, Andrei Zhuk, was sentenced to death.

Review-Chronicle of Human Rights Violations in Belarus in September 2009

September closed the additional six-month test period the Belarusian authorities were given for starting democratic transformations in the country. Meanwhile, no significant steps were made for improving the state of human rights in Belarus. The fundamental freedoms, such as freedom of association, freedom of expression and freedom of conscience remained restricted. On 24 September, at a briefing for representatives of international missions and journalists, the Assembly of pro-Democratic NGOs gave a preliminary evaluation to the activities of the Belarusian authorities on normalization of the situation of NGOs for the previous six months. Siarhei Matskevich, Chairperson of the Working group of the Assembly of NGOs, stated the absence of progress on the three points set for by the European Union: the abolition of Article 193.1 of the Criminal Code, the abolition of the death penalty, the resolution of the problem of non-registration of civil organizations and introduction of a reduced-price office rent tariff for them.

Many youth and human rights associations faced registration denials in March-September. In the overwhelming majority of cases the denials were wire-drawn and reflected the political will of the authorities who tried to prevent the legalization of new NGOs and political parties.

In September, a number of peaceful actions were violently dispersed in Minsk. Their participants were beaten by police. On 9 September a peaceful action of protest was held on Kastrychnitskaya Square in Minsk to protest against the arrival of the Russian troops on the territory of Belarus for joint military trainings. The action was held under the slogan 'Say NO to the Russian occupation! Long live Belarus!' and was dated to the beginning of the joint Belarusian-Russian military training *West-2009*. Police detained about 30 persons, 17 of them were fined. The detentions were accompanied with the use of physical violence and obscene language by police. At the Tsen-

tralny district police department the police made the detainees stand facing the wall for four hours. Some of them were severely beaten. Human rights defenders called on the prosecutorial branches to hold check-ups on the allegations of abuse of the duty powers by police officers and bring the guilty to justice according to the law.

On 16 September the democratic community of Belarus marked the 10th anniversary of the abduction of oppositional politician Viktar Hanchar and businessman Anatol Krasouski. The authorities still pay no interest to the disclosure of this crime and don't give any substantial answers about its investigation to the relatives of the missing persons. On the Solidarity Day Minsk police dispersed the action in the memory of Viktar Hanchar and Anatol Krasouski. More than 20 people were detained. Policemen in mufti banned journalists to take photos and video of the events. The action participants were severely beaten during the detention and after it. Mikalai Statkevich suffered most of all. All detainees were guarded to the police department and later were released without getting any charges. Charges under Article 23.34 of the Administrative Code (holding of unauthorized mass action) were given to the detained participants of analogical action in Homel. On 17 September Sweden that was presiding the EU at the time, issued an official statement demanding that Minsk should stop using violence against peaceful demonstrators and guarantee to journalists safe conditions for their work in the country. The Belarusian Association of Journalists expressed its protest and demanded to punish the perpetrators of the grave violations of freedom of expression.

Political prisoners and politically motivated persecution remained an acute issue for Belarus: *Young Front* activist Artsiom Dubski was serving a personal restraint term in the Mahiliou prison. A part of figurants of the 'Process of 14' (Maksim Dashuk and Ales Charnyshou) were serving their terms of personal restraint at home, while some other ones (Aliaksei Bondar, Mikhail Kryvau and Tatsiana Tsishkevich) were still abroad.

On 20-24 September a group of international organizations dealing with freedom of press and media paid an official visit to Belarus. Member of the Civil Rights Defenders (former Swedish Helsinki Committee) Joanna Kurosz, a participant of this international mission, was denied Belarusian visa. Following its visit the delegation called on the authorities of Belarus to

put the media sphere of the country in line with the international standards. Besides, the mission made some recommendations seeking to improve the situation of state and private mass media in Belarus, increase their professionalism, pluralism and social importance.

Freedom of association

On 3 September the Supreme Court of Belarus turned down the cassation appeal of founders of the human rights association *Berastseiskaya Viasna* against the verdict of the Brest oblast court, thus upholding the ruling of the justice department of the Brest oblast executive committee about the registration denial. As said by one of the organization founders, human rights defender Uladzimir Vialichkin, the trial had predictable results.

The Ministry of Justice suspended the registration of the Belarusian Party of Workers and required additional documents about the order of its creation. On 21 September members of the organizing committee of the BPW filed a complaint with the Supreme Court against the actions of the Ministry of Justice. On 19 September they submitted a letter to the Ministry informing about their refusal to pass to it the minutes of the assemblies of the initiative groups on nomination of delegates to the constituent assembly. As stated by Aliaksandr Bukhvostau, Chairperson of the organizing committee, the demands of the Ministry of Justice on presenting additional documents were unlawful. The party founders hoped that as a result of their lawsuit to the Supreme Court the Ministry of Justice would stop 'conducting a repressive check-up of the establishment of the party'. The Belarusian Party of Workers is the legal successor of the Belarusian Labor Party that was liquidated in 2004.

Freedom of information

On 2 September Liudmila Prakopava, photo correspondent with the *Intex-press*, was detained on the territory of airbase #61 while watching the arrival of the bodies of the Belarusian pilots Aliaksandr Marfitski and Aliaksandr Zhuraulevich who had been lost at the air-show in Poland. Liudmila Prakopava and Uladzimir Yanukevich, chief editor of the newspaper who also

came to the airbase, had to write explanatory notes. The journalist was released four hours after the detention. She pointed that it wasn't a military training or an exposition of new military weapons, but a socially important event. 'Of course, the military servants have their own understanding of professional duty. Pitifully enough, the professional duty of a journalist is insignificant for them,' she commented.

On 28 September in Rahachou, police detained Vasil Paliakou, Chairperson of the Homel oblast branch of the United Civil Party. This day the party activists distributed informational materials including the *Satsyialnaya Abarona* bulletin, within the frames of the campaign of the United Democratic Forces for returning the social benefits to the low income categories of population. At the police station the party leader was required to give explanations and then was released.

The Ministry of Foreign Affairs denied accreditation to Viktar Parfionenka, a journalist with Radio *Racyja*, without providing a reason. The journalist received the negative answer only four months after he had filed the application for accreditation.

Well-known TV cameraman and photo artist Vadzim Arshynski was mailed a prosecutorial warning for violation of Article 11 of the law *On mass media* because of his cooperation with the *BelSat* TV channel. 'The procuracy again demonstrates unawareness of the norms of the Belarusian legislation and violates it itself,' commented Andrei Bastunets, Deputy Chairperson of the Belarusian Association of Journalists. 'It is not the first time they issue warnings without taking any explanations first'. On the count of the BAJ lawyers, since the enforcement of the new law *On mass media*, the Belarusian journalists who cooperated with foreign media have been issued with 13 warnings for absence of accreditation.

Freedom to peaceful assemblies

Minsk city executive committee (CEC) did not let the *Right Alliance* hold the picket *Give Belarusian Children a Belarusian School* on 16 September in Druzhby Narodau Park. The official reason for the ban was that the action would allegedly block the traffic on Banhalor Square.

The Minsk CEC also ‘recommended’ the administration of the International Educational Center (IBB) not to lend the center’s assembly hall for holding a party conference by the United Civil Party.

The authorities of Brest oblast didn’t let activists of the United Democratic Forces hold 52 pickets against deterioration of the life standards. All actions were appointed on 30 September. The actions were organized by 48 regional activists of the Party of Communists Belarusian, 17 activists of the Belarusian Social Democratic Party, 12 activists of the United Civil Party and 3 activists of the Belarusian Popular Front. In 47 cases the authorities answered that holding such actions was permitted at the *Locomotive* stadium on the outskirts of Brest only. The five activists who had applied for holding pickets at the stadium were told that a traditional football tournament would take place there on the day of their action.

Politically motivated criminal cases

Deputy Head of the Supreme Court of Belarus issued a protest against the verdict of the Tsentralny district court to Ales Straltsou by which his personal restraint was changed to corrective labor with exaction of 15% from his wage. It happened after the Minsk city court turned down the appeal lodged by the activist against denial in parole. Then Mr. Straltsou filed a review complaint with the Supreme Court. The prosecutor issued a protest that was considered by the Presidium of the Minsk city court. As a result the verdict was reversed and Straltsou’s case was returned for a second trial.

On 16 September the criminal cases board of the Supreme Court turned down the cassation complaint of the Vitsebsk human rights defender Leanid Svetsik against the verdict, issued to him by the Vitsebsk oblast court on 16 July (he had been found guilty of inciting to national and religious enmity). Judge Halina Urbanovich sentenced Mr. Svetsik to pay a huge file for having allegedly distributed threat letters on behalf of the Russian neo-Nazi organization *Russkoye Natsionalnoye Yedinstvo* (Russian National Unity).

Harassment of civil and political activists

8 September Mikola Dzemidzenka and Marharyta Karol, members of the *Young Front*, to unfurl a streamer near the Russian Embassy in Minsk in order to remind the public about the Belarusian Military Glory Day. The guards called the riot police who pulled the activists in their car and guarded them to the police department. The following day the Tsentralny district court in Minsk fined Mikola Dzemidzenka 1,050,000 rubles and Marharyta Karol 175,000 rubles. The activists were escorted to the detention facility in Akrestsin Street for the night before the trial.

On 16 September a court in Mozyr found human rights defender Pavel Nazdra guilty of violating Article 28.5 (failure to timely inform the military enlistment office about change of the place of work) and fined him 105,000 rubles. According to the court’s version, in July the activist got a new job and did not inform the military enlistment office about it.

On 21 September a new political draftee, *Young Front* activist Yauhen Skrabets was taken to a military unity near Mahiliou for serving in the railway forces. Despite having serious problems with the dorsum making him unfit for the army service, the repeated medical commission that was held on the demand of the military enlistment office, found him fit.

Andrei Tsianiuta, an activist of the *Young Front* from Homel, lodged a lawsuit against unlawful actions of the military enlistment office, demanding to stop his unlawful drafting into the army. However, on 22 September the Savetski district court in Homel turned the lawsuit down. The *Young Front* also demanded to be examined by an independent medical commission, because in August he had been diagnosed with 2nd degree scoliosis, which made him unfit for the army service. However, the military enlistment office directed Tsianiuta to the Homel oblast clinical hospital, for a repeat medical examination. The diagnosis was changed by decreasing the degree of scoliosis. As a result, on 25 September Andrei Tsianiuta was directed to a military unit in Zhlobin to serve in the transport forces.

Freedom of consciousness

9 September Kiryl Mazouka, Deputy Prosecutor of the Maskouski district of Minsk, drew up a violation report under Article 23.1 of the Administrative Code against the church pastor Viachaslau Hancharenka for not letting an inspector of the Ministry of Emergency Situations in the temple. Meanwhile,

the refusal of the believers to let any officials in their church was a form of protest against the decision of the authorities to evict them from the building. This decision was taken by the general assembly of the Protestant community. On 30 September Alena Shelko, Judge of the Maskouski district court, fined Mr. Hancharenka 420,000 rubles.

The conflict between the *New Life* and the authorities dates back to 2005.

Activities of security services

23 September two people in mufti tried to burst into the apartment of the Brest journalist Zmitser Kisel, a correspondent with Radio *Racyja*, on order to forcedly guard him to the procuracy. The journalist says they were officers of the local KGB department. The following day Mr. Kisel received an oral warning for working with foreign media without accreditation. The case was initiated by the Brest oblast KGB department that even made printouts from all internet resources where the journalist's name was mentioned.

Tortures and other kinds of cruel and inhuman treatment

Young activists Maksim Serhiyets and Aliaksei Sianchyla, detained and beaten during the violent dispersal of the peaceful actions of protest against the arrival of the Russian military forces to Belarus within the frames of the joint military training *Zapad-2009*, applied to the procuracy, demanding to hold a check-up and to bring the perpetrators to justice. In their complaints they presented a detailed description of the behavior of police officers. The HRC *Viasna* provides information on tortures and other kinds of cruel treatment towards persons detained for participation in the peaceful actions on 9 and 16 September. Human rights defender Valiantsin Stefanovich is sure that it should be done in any case, even despite the impossibility to bring the perpetrators to account in the near future. 'We are preparing complaints to the procuracy. Six complaints have been filed already. There we demand bringing a criminal case against the policemen who abused their duty powers. We unequivocally consider as tortures the beating of the detainees on the police buses and at the Tsentralny district police department. To my mind, these actions were demonstrative. Pitifully enough, it has turned into some kind of system.'

Politically motivated dismissals from work and expulsions from educational establishments

Katsiaryna Halitskaya, activist of the *Young Belarus*, was dismissed from work. Prior to this, the office of her company was visited by a KGB colonel. Earlier Katsiaryna faced problems at the place of study in connection with her political activities. At that time she was a member of the *Young Front* and was twice dismissed from work on political grounds. She has also been arrested many times for participation in street actions.

Prisoners' rights

On 7 September Mikalai Autukhovich was transferred from the medical department of the Minsk pre-trial prison to a common cell. His lawyer saw the prisoner the following day and told that he was looking emaciated and still couldn't eat the prison food, though he had stopped his long protest hunger strike almost two months ago.

The Navapolatsk entrepreneur Yauhenia Bochurnaya went on an indefinite protest hunger strike in the Homel women's colony #4. She did it after she was prohibited from buying any goods in the prison shop. Before this she repeatedly addressed the procuracy and the MIA department of punishment execution with complaints about unsatisfactory prison conditions. In response she faced reprisals from the side of the prison administration.

Review-Chronicle of Human Rights Violations in Belarus in October 2009

10 October is the World Day against the Death Penalty. The abolition of the death penalty or introduction of a moratorium on it is one of the priorities in the dialogue between the EU and Belarus. However, the Belarusian authorities show little progress in this issue. That's why in January 2009 the Belarusian human rights defenders launched the campaign *Human Rights Defenders Against Death Penalty*. They inform the population, collect signatures and distribute printed materials facing obstacles from the side of the state. In particular, the campaign activists from many regions of Belarus intended to hold pickets dated to the World Day against the Death Penalty. However, most of the actions weren't sanctioned by the local authorities. Besides, on 10 October in Navapolatsk, police detained human rights defender Zmitser Salauyou and the young activists Alina Kucharenia and Yury Palonski during an informational action.

Construction of the nuclear power plant and the reluctance of the authorities to discuss it still remained an acute issue in October. On 9 October the public hearings of the preliminary report about the evaluation of the environmental effects of the NPP were held in Astravets. These were the first hearings organized by the authorities – all previous ones were held by civil activists.

Ecologists, scientists, civil activists and journalists from Belarus and Russia gathered in the town, near which the ground for the station was being prepared. However, many of those who wanted to get to the hearings weren't admitted to them.

At 10 a.m., when the guards started letting the people in, one half of the cinema hall was already occupied. Many people were brought just to get the places filled. Most of them were the local dwellers indifferent to the upcom-

ing construction of the nuclear power station there. As a result of this 'action' of the authorities many ecologists and civil activists couldn't enter the hall and had to stand at the entrance. However, when it was necessary to seat some state officials, people with the 'Volunteer' badges came and told some of the 'space-fillers' to go out.

Besides, the Astravets police detained the nuclear physicist Andrey Ozharovskiy, coordinator of the Moscow group *Eco-defense*. Police confiscated about 100 copies of the Critical remarks on the preliminary report about the possible influence of the Belarusian nuclear power plant on the environment from him. At the same time, police didn't confiscate any leaflets in support of the NPP construction. In the evening Ozharovskiy was tried and got seven days of arrest on charges of disorderly conduct and insubordination to police. The activist appealed against this verdict at the procuracy, but the latter took the side of the court.

On 16 October the regular Solidarity Day action took place in the center of Minsk. This day the chain of concerned people with portraits of the missing persons and political prisoners stood on Kastrychnitskaya Square for only two minutes. About 40 riot policemen in uniform and mufti pulled the action participants in police busses. Police interfered with the work of journalists and prohibited the photo correspondents present to take any photos. A total of 22 persons were guarded to the Tsentralny district police department in Minsk. Many of the action participants suffered from police violence during the dispersal of the action. Human rights defenders believe that this new tactics of the authorities is aimed at intimidation of demonstrators.

The International Federation for Human Rights (FIDH) and the Human Rights Center *Viasna* filed a communication on the events of 9 and 16 September with Manfred Novak, a special rapporteur of the UN Committee against Torture. Complaints of the victims of unlawful and violent actions of police and materials of questioning of eyewitnesses of the tortures were attached to this document. The human rights defenders inform that during the last years the procuracy has dodged giving the due legal evaluation to such facts and refused to instigate criminal proceedings towards the policemen who abused their duty powers.

Death penalty

On 2 October the Supreme Court dismissed the cassation complaint of Vasil Yuzepchuk who had been sentenced to death by Brest oblast court on 29 June. All national means of legal defense being depleted, an individual communication on behalf of the convict was filed with the High Commissioner on Human Rights in Geneva. The author of the communication asked the Committee to urgently register the document and address Belarus as a member country of the Covenant of Civil and Political Rights with the request not to execute the sentence till consideration on the merits of the complaint in order to prevent the irretrievable court error towards the convict. On 12 October Vasil Yuzepchuk's communication was registered by the UN Human Rights Committee.

On 17 November the Minsk oblast court sentenced to death another person, a 25-year-old resident of Salihorsk Andrei Zhuk. On 30 October 2009 the UN Human Rights Committee urgently registered the individual communication of Andrei's mother. The woman applied to the Committee after the College Board on Criminal Cases of the Supreme Court turned down the cassation complaint of her son and left the death verdict in force. Geneva office of the High Commissioner on Human Rights submitted to the Republic of Belarus information about registration of the communication and demanded from Belarus not to execute the sentence till consideration on the merits of the communication.

On 10 October the results of the contest of creative works within the frames of the campaign *Human Rights Defenders Against Death Penalty* summed up. The contest was organized by the Human Rights Center *Viasna*, the Belarusian Helsinki Committee, the Belarusian PEN-center and the Union of Belarusian Writers. The organizers chose four winners and gave them awards.

Freedom of association

Members of the disgraced Union of Poles in Belarus stated the increasing pressure of the Ivianets branch of the organization. The State Control Committee, police and the tax inspection held a concerted check-up of the financial activities of the local Polish House because of an anonymous letter, and several times summoned to long interrogations Teresa Sobal, Chairperson of the local UPB branch. Police intimidated members of the organization with dismissal from work, large fines and other reprisals to make them leave the UPB. In the anonymous letter that served as the official reason for the check-up it was stated that the Polish House had received donations in 2000-2001, whereas in reality activities of the house started only in 2003.

On 15 October in Minsk the Belarusian civil activists held an action against Article 193.1 of the Criminal Code that envisages punishment for organizing and running unregistered organizations. A group of people dressed as Santa Clauses and Snow Maidens paid a visit to the office of Prosecutor General in central Minsk. They passed a confession about 'acting on behalf of an unregistered organization of Santa Clauses' and asked him to give a legal evaluation to their activities to Prosecutor General Ryhor Vasilevich. In such a way representatives of NGOs again reminded the authorities about the unacceptability of Article 193.1 of the Criminal Code that outlaws virtually all initiatives of citizens and contradicts to international legal norms. In particular, the article envisages up to two years of imprisonment for activities on behalf of unregistered associations, religious organizations or foundations. The action was held within the frames of the campaign *Stop 193.1* launched by the Human Rights House network, the Belarusian Assembly of Pro-democratic NGOs and a number of other civil society structures in Belarus and abroad.

On 22 October Brest human rights defenders received from the main justice department of the Brest oblast executive committee another refusal to register the human rights organization *Berastseiskaya Viasna*. Earlier the justice department considered the registration documents and gave the founders of the organization some time to correct the alleged mistakes. However, later the authorities decided not to register the organization, though the 'mistakes' were corrected. It was already the fourth registration denial to *Berastseiskaya Viasna*.

Freedom of expression

2 October in Minsk, Uladzimir Lemesh, an activist of the civil campaign *European Belarus*, was detained by guards of the bicycle motor factory for handing out leaflets with the slogan *For Worthy Work*. The leaflets contained

information about the trade union meeting scheduled for 7 October and sanctioned by the Minsk city executive committee. Nevertheless, Lemesh was escorted to the nearest police station.

On 15 October, on the eve of the traditional Belarusian Solidarity Day, police officers of the Minsk subway detained Maksim Viniarski, an activist of the *European Belarus* who was handing out information materials about political prisoners. A violation report was drawn up on him, after which the detainee was taken to the Frunzenski district court in Minsk. The court found Viniarski guilty of violating the order of holding mass actions and sentenced him to two days of arrest. Police officer Sianiuk was the only witness at the trial. Maksim Viniarski was denied in using advocatory services.

On 29 October Vital Vashchylin, Judge of the Svetlahorsk district court, sentenced Sviatlana Mikhalchanka, Chairperson of the Svetlahorsk district organization of the Party of Communists Belarusian, to pay a fine of 1,225,000 (about $440) for handing out the party bulletin *Levy Marsh* on 3 September. According to the court verdict, the bulletin had incomplete imprint and was unlawfully distributed by the defendant at the check-up point of the *Lavsan* factory. The verdict was issued on the basis of the inconsistent testimony given by police captain Andrei Sauchanka and some officials of the enterprise.

On 30 October in Homel, journalists Tatsiana Bublikava and Aleh Razhkou were holding a video questioning about the swine flu epidemic. Police officers Maksim Ihnatchyk and Ihar Tarasau approached them and demanded to show the permission for shooting the video. The journalists showed their press cards and explained that they were implementing an editorial assignment, but it wasn't enough for the policemen. The journalists were guarded to police station №1 of the Chyhunachny district police department for 'identification'.

Freedom to peaceful assemblies

The authorities banned the local assemblies on nomination of delegates to the Belarusian European Forum all over Belarus. The forum was organized by a number of democratic parties and movements and was scheduled for 14

November. In particular, the authorities of the Masty district thrice banned such an assembly. Aliaksei Shafarevich, Chairperson of the Masty district executive committee, explained the bans by saying that the applicants violated the law *On mass actions* by non-presenting the documents establishing their responsibility for holding the assembly. As a result of such policy, citizens had to gather in private houses and offices of civil organizations for choosing delegates to the European Forum. In some places such assemblies took place in apartments, yards and parks.

Politically motivated criminal cases

On 21 October the presentation of the book *Political Prisoners: Politically Motivated Criminal Verdicts 2008*, prepared with participation of the Human Rights Center Viasna, took place. Having political prisoners is still an acute issue for Belarus though their release remains one of the main conditions in the dialogue between Belarus and the EU. The book includes documents of the most famous case – 'Process of 14'. Meanwhile, the process is still not over: only four of the eleven persons declared prisoners of consciousness by Amnesty International were amnestied, two more were trying to get amnestied through court while two others, Maksim Dashuk and Artsiom Dubski were given additional terms for 'evasion from serving the punishment'. Some of the figurants of the Process of 14 have gone abroad and could be imprisoned if they decided to return to Belarus.

Harassment of civil and political activists

On 2 October the Minsk district court found Ales Narkevich, Uladzimir Maliarchuk and Aliaksei Siudak guilty of holding an unauthorized rally near the village of Krasny Berazhok on 1 September. The action took place after the authorities dismantled the memorial crosses to victims of Stalin's repressions, installed by the democratic activists. A. Siudak and U.Maliarchuk were fined 1,050,000 rubles (about $376) and A.Narkevich – 700, 000 (about $250) rubles.

On 13 October some activists of the *Fourth Sector* campaign were detained in Baranavichy while collecting signatures for protection of the Belarusian language within the frames of a campaign launched by the *Young*

Front. According to one of the detainees, Yaraslau Hryshchenia, they also collected signatures for the erection of a monument to the military pilots who had tragically died during the air show in Poland. At the police station the police accused the activists of violating Article 17.1 of the Administrative Code, disorderly conduct, and took them to a detention facility for the night. The following day the court in Baranavichy and Baranavichy district sentenced them to pay fines of 350,000 rubles (about $125).

In October, a number of democratic activists were tried in Homel for the mass action they had held. On 16 September 16 oppositionists had been detained on the way to the place of the action of solidarity dated to the tenth anniversary of the disappearance of the politician Viktar Hanchar and the businessman Anatol Krasouski. On 13 October Vital Kozyrau and Yaraslau Paremski, Judges of the Chyhunachny district court in Homel, fined Uladzimir Myshak, Uladzimir Niapomniashchykh, Chairperson of Homel oblast organization of the United Civil Party Vasil Paliakou, Maryna Smiahlikava, Ivan Zaitsau and Yury Zakharanka, member of the Belarusian Social Democratic Party *Narodnaya Hramada*. On 15 October Vital Kozyrau also fined Anatol Paplauny, Chairperson of the Homel city organization of the Belarusian Popular Front, and Uladzimir Siakerka, Chairperson of the Homel oblast organization of the Party of Communists Belarusian. On 19 October Judge Illia Svirydau fined Valer Rybchanka, Chairperson of the Zhlobin district organization of the PCB. Yaraslau Paremski tried in absentia regional coordinator of the *For Freedom* Uladzimir Katsora and also sentenced him to pay a fine. All defendants were found guilty of violating the order of holding mass actions. The total sum of the fines is 10,325,000 rubles (about $3,700).

On 29 October in Minsk, police detained the activists of the *European Belarus* Nasta Askerka, Aleh Ladutska and Halina Piarvushyna and the photo correspondents Uladzimir Hrydzin and Yuliya Darashkevich. This day about a hundred of white-red-white flags were hung out on Nezalezhnastsi Avenue. All detainees were guarded to the Pershamaiski district police department in Minsk. The journalists were released in three hours. Violation reports were drawn up on the rest. The following day the Pershamaiski district court in Minsk found the activists guilty in disorderly conduct. A. Ladutska was fined 1,050,000 rubles (about $376) and Nasta Askerka and Hanna Piarvushyna – 525,000 rubles (about $188) each.

Right to alternative military service

In October the Tsentralny district court in Homel considered the criminal case against Jehovah Witness Dzmitry Smyk. The believer was accused of evasion from army service. Judge Ryhor Dzmitrenka and the state accuser, Prosecutor Ivan Kupchyn, asked officers of the military enlistment office whether Smyk was offered to perform alternative service, and received a negative answer. According to the military commissar Tsatsaryn, the President's order about the summer drafting campaign mentioned only the usual military service and serving in the reserve. Alternative military service wasn't even mentioned there. The official also explained to the court that there was no alternative service in Belarus at all. The court decided to make an inquiry to the Defense Ministry about alternative service and get explanations from the republican organization *Jehovah's Witnesses* about its attitude to the military service.

Tortures and other kinds of cruel and inhuman treatment

The procuracy still turned a blind eye to regular abuse of the duty powers by police and security services. Activists of the civil campaign *European Belarus* Yauhen Afnahel, Aleh Ladutska and Maksim Viniarski addressed the procuracy demanding to hold a check-up on their beating during the forced dispersal of the peaceful action in the center of Minsk on 16 July and bring the perpetrators to legal account. The answer of the Maskouski district procuracy in Minsk informs that the procuracy 'found no evidence of unlawful actions of police officers' during the check-up. The check-up was held by Assistant Prosecutor of the Maskouski district Kuchuhurny. Its results were approved by Deputy Prosecutor Mazouka. As a result of the check-up the activists learned the surnames of the policemen who had detained them: Belash, Chachko and Hil. The police officers also gave explanations concerning the complaint and stated they hadn't used any violence towards the oppositionists. We should remind that on 16 July riot police beat and insulted the detainees in the police busses and in the building of the Tsentralny district police department.

The activists who had been beaten during the peaceful actions on 9 and 16 September received answers from the MIA's own security department

as well. Maksim Serhiyets, Aliaksei Sianchyla, Aliaksandr Siarheyenka and Aliaksandr Stsepanenka received identical letters signed by Chairperson of the third department Kisterny. They were informed that 'it was impossible to prove or disprove the use of physical violence by riot police within the frames of the duty check-up whereas the allegations of insults against the detainees were disproved by explanations of the police officers'. The materials of the check-up were passed to the Tsentralny district procuracy in Minsk for giving a legal evaluation to actions of the police.

Review-Chronicle of Human Rights Violations in Belarus in November 2009

Belarus November started with the population's panic caused by the epidemic of an acute virus disease that often brought such complication as pneumonia. On 4 November Liliya Ananich, the first Deputy Minister of Information, stated the ministry 'will stop any attempts to misinform the population of the country'. The same day Valiantsina Kachan, Deputy Minister of Health, voiced the data from which it followed that 19 people had died of pneumonia during the two last weeks. All of them were tested for swine flu and in seven cases the tests were positive. This was all official information. Meanwhile, for 2-29 November 170 819 cases of swine flu and acute respiratory viral infection were registered in Homel oblast alone. 44.2% of the ill were children and 55.8% – adults. 3.3% (5 825 persons) were hospitalized. As of 30 November quarantine was declared in ten educational establishments of the Homel oblast.

November was also marked with an important international event: the EU Council made a decision concerning the travel ban for a number of high-ranking Belarusian officials. The entrance ban for them was extended for another year, but at the same time a 6-month moratorium was introduced on action of these sanctions. The question of extending or abolishing the sanctions completely depended on the situation of democracy in Belarus. The majority of analysts and politicians consider this decision as compromising. Bear in mind that five persons are still banned entrance to the EU, four of them on suspicion in being involved with the political disappearances in 1999-2000: former Ministers of Interior Yury Sivakou and Uladzimir Navumau, former Secretary of the Security Soviet Viktar Sheiman and Chairperson of the riot squad Dzmitry Paulichenka. The fifth person, Lidziya Yarmoshyna, faced the sanctions for involvement in rigging elections and referenda.

The US Ministry of Finances extended the easing of sanctions towards two enterprises of *Belnaftakhim* – the *Lakafarba* Open Stock Company and

Shklovalakno till 31 November 2010. During this period the US citizens are allowed to cooperate with these companies. On the other hand, since November 2007 the assets of *Lakafarba Shklovalakno* were frozen according to an appropriate order of the US Government resulting from human rights violations in Belarus.

On 16-17 November the Civil Society Forum took place in Brussels within the framework of the *Eastern Partnership*. The main aim of the Forum was to facilitate the dialogue and cooperation between civil society organizations and governments of members of *Eastern Partnership*. The Belarusian delegation consisted of 27 organizations and the possibility of renewal of the Partnership and Cooperation agreement between the EU and Belarus was discussed.

On 11 November the international radio station *European Radio for Belarus* received a copy of the ruling of the Soviet of Ministers and the certificate about the opening of the correspondent station of the ERB for one-year period. Accreditation was issued to twelve journalists and technical officers of the radio. At the same time, on 13 November the press-service of the satellite TV channel *BelSat* issued a press-release claiming that the perspectives of their third application for registration in Belarus remained unclear. The channel Director Agnieszka Romaszewska voiced the following opinion: 'To my mind, registration of one of oppositional media in Belarus is an attempt to divide journalists into better and worse ones. It is a standard method of action always used by authoritarian authorities.'

Meanwhile, the Belarusian authorities refused to issue an entrance visa to Agnieszka Romaszewska without offering any explanations for it. Romaszhewska was invited to Minsk Forum XII as an honorable guest.

PACE deputy Christos Pourgourides, known as the author of a comprehensive report on the missing public and political activists in Belarus, was invited to the Belarusian European Forum scheduled for 14 November. During a meeting of the PACE representatives with Andrei Bushyla, Head of the Belarus' mission in the Council of Europe, the latter hinted that the Cypriot deputy would be issued entrance visa neither at the Belarusian Embassy in Paris nor at Minsk airport.

Belarus also denied entrance visa to Emanuelis Zingeris, the Lithuanian MP who intended to come to the Belarusian European Forum for reading a congratulation letter from Irena Degutiene, Head of the Lithuanian Parliament. The Lithuanian MFA stated that such step of the official Minsk didn't correspond to a friendly spirit of relations between close neighbors.

On 30 November the draft law on amendment of the electoral legislation was unanimously adopted by the Chamber of Representatives of the Belarusian Parliament. The administration of the Central Election Commission presented it as a large step forward in democratization of the electoral laws. Nevertheless, civil society activists consider the amendments insufficient, as the rights of observers remain quite limited, which allows massive election fraud. The CEC also stated that the OSCE recommendations had been taken into account, while the OSCE insisted that they hadn't been familiarized with the draft law.

Death penalty

On 10 November in Minsk, a press-conference of the death convict Andrei Zhuk's parents took place. The mother addressed the President of Belarus with an open letter, asking to pardon her son, the death verdict to who came into force after his cassation complaint had been considered by the Supreme Court. During the event Valiantsin Stefanovich, lawyer of the HRC *Viasna*, stated that communications concerning the latest death verdicts to Andrei Zhuk and Vasil Yuzepchuk were accepted for consideration by the UN Human Rights Committee. He also said that the state offices responsible for execution of the verdict must suspend the execution till consideration on the merits of the complaints by the Committee.

On 15 November the Office of the UN Supreme Commissioner on Human Rights gave publicity to the information received from the competent state offices of Belarus concerning the individual communication submitted to it on behalf of the death convict Vasil Yuzepchuk. The Belarusian authorities claimed that Yuzepchuk's communication was illegitimate, because it had been filed before exhausting the national means of defense, as his petition for clemency was being considered by the President of Belarus. Besides, the Belarusian authorities denied violating Article 6 of the Covenant on Civil and

Political Rights and stated that Yuzephuk had been sentenced to death in conformity with the legislation of Belarus, raising the question of inadmissibility of consideration of Yuzepchuk's communication. The UN Human Rights Committee gave the opportunity to present remarks to this information from the side of Yuzepchuk by 14 December.

Freedom of association

On 12 November 'Santa Clauses' received an answer from General Procuracy, signed by Chairperson of the department of supervision over respect to civil rights and liberties Radyionau, stating that they would be drawn to criminal responsibility in the case their participation in an unregistered organization was established. Bear in mind that in October a group of Santa Clauses had surrendered to the Prosecutor General's Office with a confession to activities on behalf of an unregistered organization of Santa Clauses and asked to give a legal evaluation to them. The action was held within the frames of the campaign on the abolition of Article 193.1 of the Criminal Code. According to Yury Chavusau, lawyer of the Assembly of Pro-democratic NGOs, in its letter the procuracy paid no attention to the surrender of Santa Clauses and decided not to consider the legal situation that arose from this demonstration of the absurdity of Article 193.1, but confined itself to 'simple statement of norms of the Belarusian legislation on civil associations'. The Assembly of Pro-democratic NGOs reminds that during the last four years 17 persons were punished under Article 193.1 of the Criminal Code and the article is still in action.

On 12 November the organizing committee of the Belarusian Party of Workers filed with the Supreme Court a lawsuit against the refusal of the Ministry of Justice to register the party. As said by the leader of the organizing committee Aliaksandr Bukhvostau to *BelaPAN*, the founders were of the opinion that the decision of the Ministry of Justice contradicts to the law and intended to prove at court having all documents necessary for obtaining the state registration for the party.

The main justice department of the Hrodna oblast executive committee refused to register the Slonim NGO *Zalaty Leu*. Earlier, the founders of the cultural-educational NGO *Zalaty Leu* used to be members of other NGOs (including the youth association *Vetraz* liquidated by court on allegations of absence of the legal address). Ales Masiuk, one of the founders of the *Zalaty Leu*, believes that the decision on non-registration was politically motivated. 'The authorities continue the policy of non-registration towards the persons whom they label as oppositionists. We could have corrected all the defects they found in our documents for one day, but they blankly decided to ban us,' he said.

Freedom of expression

11, 13 and 16 November the Vitsebsk police detained Barys Khamaida, civil activist and distributor of private regional press. No detention reports were drawn up. Human rights defenders believe all detentions were connected with visits of high-ranking state officials to Vitsebsk.

On 18 November, following the information on the EU's extending the restrictive measures against the Belarusian authorities, the Ministry of Information issued written warnings to four private newspapers – *Komsomolskaya Pravda v Belorussii*, *Nasha Niva*, *Narodnaya Volia* and *Va-bank*, for alleged violations of the legal requirements in their publications. Though the 'violations' concern different articles of the Law *On Press*, all of them were issued for publication of 'inaccurate information'. In particular, in the warning to *Narodnaya Volia* ministry mentioned an article calling the people to come out to the streets on the day of the presidential election. The reason for warning *Nasha Niva* was the article *Flu Concealment Caused Epidemic of Panic*. The warnings prescribe the newspapers to correct the 'law violations' within ten-day term.

Police detained journalists Aliaksandr Dzianisau and Aliaksandr Khilimonau at the *Nioman* factory in Biarozauka, though the detainees had a permission to come to the factory. The journalists were preparing information about the situation at the enterprise and the workers' dissent.

On 10 November the founder of the regional private socio-political newspaper P*refect Plus* the town of Hlybokaye (Vitsebsk oblast) was returned the documents he had sent to the Ministry of Information for the state registration of the newspaper. According to the Belarusian Association of Jour-

nalists, starting from September registration denials were also issued to the socio-political newspapers *Soligorsk-plus*, *Novaya Gazeta Bobruiska*, *Mahiliouski Chas*, *Maryinahorskaya* and some others.

On 19 November the Ministry of Information for the second time returned to the founders of the private newspaper *Salihorsk-plius* the documents they had filed for registration of the periodical, and stated that the newspaper's subject matter contradicted Article 12 of the Law *On press*. Besides, the ministry reminded that the editorial board of the newspaper had still taken no action to find a legal address in a nondomestic building, which was the reason why the documents had been rejected during the first registration attempt. The founder of the newspaper Uladzimir Shyla believes that the Ministry of Information just invents wire-drawn reasons for declining the documents. The BAJ lawyers share his opinion and think that the Ministry of Information abuses its powers.

On 25 November journalist Tamara Shchapiotkina, member of the Belarusian Association of Journalists from Biaroza, was invited for a 'talk' to the district procuracy. Deputy Prosecutor Fiodar Mikhnovich passed her a written warning for cooperation with the foreign radio station Radio *Racyja* without an appropriate accreditation. At the official blank the journalist wrote that he disagreed with the warning because she had the right to collect and transmit information as a freelance journalist. Mikhnovich answered that in the case of repeated violation she would be drawn to administrative responsibility.

Freedom to peaceful assemblies

Raman Kisliak, Iryna Laurouskaya and Dzianis Turchyniak, civil activists from Brest, filed individual communications to the UN Human Rights Committee about violation of their right to expression, peaceful assemblies and fair trial. All these violations concern the events that took place in the beginning of the year, when the Brest city executive committee hadn't authorized the pickets they intended to hold on 15-17 January in Hohal Street. By these actions the civil activists intended to draw the public attention to the question of construction of the monument to the 1000th anniversary of Brest. All Belarusian court instances to which Kisliak, Laurouskaya and Turchyniak applied, took the side of the local authorities.

Politically motivated criminal cases

On 12 November Yury Kazak, Chairperson of the Navahradak branch of the *Young Front*, was summoned to the police department and informed about instigation of a criminal case against him. The law machinery suspected the activist of malignant hooliganism – smearing the local monument to Lenin with green paint on 7 November, the Day of October revolution. That day three activists of the *Young Front* including Kazak were detained by police. They were made to give explanations and then were let go.

On 24 November lawyer Tamara Sidarenka came to the Mahiliou penal colony to visit her client, political prisoner Artsiom Dubski. According to her, the convicted figurant of the 'Process of 14' kept a hunger-strike for three days to protest against actions of the administration of the penal colony who prohibited passing any books to him. Although the activist had no admonitions, the prison administration continued the unlawful restriction of his rights. Recently it has also come out that A.Dubski had been denied amnesty.

Harassment of civil and political activists

On 6 November the Minsk oblast court turned down the complaints of Uladzimir Maliarchuk, Ales Narkevich and Aliaksei Siudak, the democratic activists from the Vileika district who had installed a cross on 1 September in the place where Rastsislau Lapitski, activist of the Belarusian anti-Bolshevik resistance, had been shot. According to U.Maliarchuk, they were again accused of holding an unauthorized rally. Thus, the verdict of the previous court instance on fining of the activists was left in force.

On 7 November in Minsk, police preventively detained activists of the *Young Front* Mikola Dzemidzenka and Nasta Palazhanka. The youngsters were detained in different parts of Minsk and guarded to the Pershamaiski district police department. In several hours they were released without receiving any charges. Police also guarded to the Kastrychnitski DPD Yury Karetnikau and Aliaksei Skuratovich, activists of the *Right Alliance* who intended to lay down a wreath of barbed wire to the monument of Lenin on Nezalezhnastsi Square to remind the people about victims of the Soviet re-

gime. Police confiscated the wreath and booklets of the *Right Alliance* took explanations from the detainees.

Political activist Ales Mekh lodged with the Kobryn district court a complaint against the unlawful actions of the police during this year's *Dazhynki* feast. That day he was detained by police, ostensibly because of an anonymous telephone call informing them that he had drugs and firearms on him. A.Mekh was guarded to the police station and searched. He was released in 3.5 hours. The anonymous misinformer wasn't found. The activist asked the court to find the detention illegal and require from the procuracy the materials of the check-up on his case.

Right to alternative civil service

On 6 November the Tsentralny district court in Homel finished the trial of the criminal case against Jehovah's Witness Dzmitry Smyk accused of evasion from the army service, though the defendant didn't object to performing an alternative service even if it would be longer than the standard army service, as his religious convictions didn't allow him holding arms or supporting the army in any other way. Judge Ryhor Dzmitrenka found Mr. Smyk guilty and fined him 3.5 million rubles (about $1,250). Due to the absence of the law on alternative civilian service, the city military enlistment office also dismissed Smyk's request for alternative service.

Activists of the *Young Democrats*, organization of the United Civil Party, launched the campaign *Right Not to Shoot* with the aim to inform the society about alternative civilian service. According to one of the campaign organizers, Fiodar Maslennikau, on 19 November the activists distributed informational booklets near the economical university. Activists of the Fund of Development of Legal Technologies participate in the campaign together with the *Young Democrats*.

Rights of national and religious minorities

On 9 November Eduard Shapiro, Ambassador of Israel, attended the international conference in Minsk dedicated to the Christian-Judaic dialogue.

He stated that during the Soviet times the authorities had confiscated many temples and after the dissolution of the USSR many Christian churches were returned to believers. That's why the diplomat expressed the wish that the Belarusian state would pay attention to the synagogues built for Jews' money. He also expressed concern with the clear reluctance of the procuracy and police to bring criminal cases on stirring up national hatred even in evident cases.

Adverse discrimination of women

Office of the Supreme Commissioner on Human Rights confirmed the registration of the individual communication of Inha Abramava, a civil society activist from Brest, by the Commission on the Elimination of Discrimination against Women.

In her communication Inha Abramava appealed against her discrimination at the pre-trial prison of the Leninski district police department in Brest. The prison conditions were very harsh: cold, dirt, foul air and lurid light of an electric lamp. The prison is guarded solely by men, who looked in the spyhole while she was using the cell toilet.

Politically motivated dismissals from work

The Ministry of Health Care didn't extend the labor contract to Pavel Bespalchuk, Rector of Belarusian State Medical University. One of the possible reasons could be his scandalous article in *Vesnik BDMU* (BSMU Courier) where he described the flaws in the state system of job placement of the university graduates and called the present situation 'a legal boundlessness that has reached its apogee'.

Review-Chronicle of Human Rights Violations in Belarus in December 2009

At the end of the year its results were summed up. On 22 December the leadership of the United Democratic Forces of Belarus held a press-conference at which it was stated that this year the situation for the opposition was no better than last year. The country again has political prisoners, the Ministry of Justice again denies state registration to political parties and NGOs and the Ministry of Foreign Affairs denies accreditation to foreign media and their correspondents. Besides, democratic activists are kidnapped by unidentified persons and are arrested for participation in unauthorized peaceful street actions.

On 10 December the Belarusian human rights defenders intended to hold a number of various events dated to the 61st anniversary of the Universal Declaration of Human Rights, including informational pickets, quizzes, contests, etc. 14 applications for authorization of such actions were filed with the authorities in the capital and other large cities of Belarus. None of them were granted. In fact, in Belarus the Human Rights Day was put under a ban. Only in Brest the authorities sanctioned a rally at the unfrequented *Locomotive* stadium on the outskirts, though the local civil activists filed applications for three actions: a rally, a picket and a procession in the center of the city.

In Minsk the first events dated to the Human Rights Day took place before 10 December. On 6 December an open youth meeting was held at the International Educational Center (IBB). On 7-9 December the Minsk activists of the Movement *For Freedom* organized the viewing of human rights documentaries.

On 9 December the civil initiative *Human Rights Alliance* awarded its yearly prizes. Aleh Hruzdzilovich, a correspondent with Radio *Liberty*, was awarded as journalist of the year, Pavel Sapelka – as the best lawyer and Ra-

man Kisliak – as the best human rights defender. The award ceremony was followed by a joint press-conference of representatives of human rights organizations.

On 10 December the Minsk human rights defenders and civil activists went out to Nezalezhnastsi Avenue to congratulate passers-by on Human Rights Day. Together with the congratulations people were given informational booklets and postcards with information about different human rights issues.

On 23 December the organizing committee of the civil initiative *Charter'97* presented its National prize for human rights protection in 2009. Political activist Franak Viachorka, civil activist Zmitser Barodka, young activist Maksim Viniarski, political prisoner Artsiom Dubski, the Vaukavysk entrepreneurs Uladzimir Asipenka, Yury Liavonau and Mikalai Autukhovich and the Salihorsk human rights defender Yana Paliakova were awarded for personal courage (the latter one – posthumously).

On 23 December the Assembly of Pro-democratic NGOs presented symbolic awards to the representatives of the civil initiatives who were most active in 2009. Among the prize holders there are the Belarusian Helsinki Committee and the Human Rights Center *Viasna*. *Human Rights Defenders Against Death Penalty* was declared the civil campaign of the year. The anti-hero of the event was the Ministry of Justice that won in the nomination *Non-registration of the year.*

On 17 December the European Parliament adopted by the overwhelming majority of votes a resolution on Belarus. The documents points at the absence of significant progress in the situation of human rights in spite of a number of positive steps. The resolution welcomes the decision to extend the sanctions against the Belarusian officials till October 2010 and freeze them till that time. The European MPs believe that the dialogue with Belarus on human rights must be aimed at concrete results and significant progress in the sphere of democracy and supremacy of law. The MPs expect that in 2010 the Belarusian authorities will reform the law *On mass media* and will put it in line with recommendations of international experts, will abolish the article that penalizes organizing and running unregistered organizations, will allow

the registration of political parties and NGOs and will create favorable conditions for activities of NGOs and mass media. European MPs also insist on urgent introduction of the moratorium on death penalty in Belarus. The resolution also calls on the Belarusian authorities to review the verdicts that were issued in 2007 to figurants of the Process of 14 including Artsiom Dubski and urgently release from jail the former Vaukavysk entrepreneurs Uladzimir Asipenka and Mikalai Autukhovich.

The Belarusian human rights defenders also prepared and passed to the UN Human Rights Council an alternative Universal Periodical Report on Belarus. The authorities' report is due by February 2010. On the basis of these reports the Human Rights Council will adopt its recommendations for Belarus. According to Valiantsin Stefanovich, lawyer of HRC *Viasna*, within the frames of preparation of the alternative UPR the authorities agreed to hold consultations with the NGOs that prepared it. The human rights defenders twice met with representatives of the Belarusian MFA and the first Deputy Head of Presidential Administration Natallia Piatkevich.

The human rights defenders also prepare an alternative report to the UN Human Rights Committee on implementation of the International Covenant of Civil and Political Rights by Belarus. The official Minsk has already twice ignored its obligation to report on the ICCPR to the Committee and implement its decisions.

As stated by the Director General of Democracy and Political Affairs Jean-Louis Laurens, the Council of Europe insists on introduction of the death penalty moratorium in Belarus.

Politically motivated criminal cases

On 7 December in Navahradak, Yury Kazak, an activist of the Belarusian Christian Democracy and the *Young Front*, was charged under Article 339, part 1 of the Criminal Code of the Republic of Belarus (hooliganism). The young activist had been detained in the night of 6-7 November 2009, when the local monument to Lenin had been smeared with green paint. The court hearings took place on 29 and 30 December. The activist confessed to having poured the paint over the monument to Lenin. The director of the Navahradak local core museum stated that the monument wasn't a historical or cultural value and Lenin Square would soon be renamed. Historian Yury Bachyshcha read a letter from his colleagues about the negative role of Lenin in the history of Belarus. The prosecutor asked to fine Yury Kazak about 8 million rubles. Judge Valer Yatsynkavich postponed the trial to 11 January 2010.

At the end of December Yuliya Pashko, Chairperson of the Brest branch of the *Young Front*, received a prosecutorial warning for activities on behalf of unregistered organization.

In his letters activist of the *Young Front* Artsiom Dubski writes about an increasing pressurization by the administration of the prison where he is serving his one-year term. He writes that the prison authorities try to isolate him, prohibiting other prisoners to communicate with him. He cannot even give a detailed description of the situation, as his mail is censored in prison.

Harassment of civil and political activists

On 2 December the *Young Belarus* activists Kuzminski, Pavel Prakapovich, Nastassia Mashchava and Babrou were detained for holding a performance near the *Belarus* department store. The young people set up a stand, painted a man with moustache on it and wrote below the picture: 'Throw an egg at me if you don't like the regime' and placed a box with eggs near the stand. There were some persons who liked the idea, and a number of eggs were flung into the stand. On 3 December A.Niakrasava, Judge of the Zavadski district court in Minsk, found the detained activists guilty under Article 23.34 of the Administrative Code (participation in unauthorized action). Pavel Prakapovich and Yahor Babrou were sentenced to 15 days of jail, Andrei Kuzminski – to 7 days and Nasta Mashchava was fined 1,000,050 rubles (about $376).

On 17 December the Savetski district court in Minsk fined Aliaksandr Haharyn for taking part in the protest action near the Embassy of Iran on 16 December. That day representatives of the Belarusian LGBT community protested against the Iranian law punishing homosexuals with death. A.Haharyn was fined 105,000 rubles (about $38) under article 23.34, part 1 (participation in unsanctioned rally). Two other participants of the action, Siarhei

Androsenka and Siarhei Pradzed, were tried on 23 December. Aksana Reliava, Judge of the Savetski district court in Minsk, found Siarhei Androsenka guilty of organizing the mass action and fined him 825,000 rubles (about $295), while Siarhei Pradzed was fined 350,000 rubles (about $125).

As it follows from Ruling 16 of the Ministry of Information of Belarus, the administrative case against the Russian ecologist Andrey Ozharovskiy was dropped because of absence of corpus delicti in his actions. ‘One can be administratively punished for distributing printed periodicals without imprint. The materials that were confiscated from Ozharovskiy weren’t production of a printed media,’ runs the court verdict. It means that the confiscated printed editions, in which Ozharovskiy criticizes the idea of construction of a nuclear power-plant in Belarus, must be returned to him. Bear in mind, the Russian nuclear physicist, project coordinator of the *EcoDefense* group A.Ozharovskiy was detained on 9 October in the town of Astravets in Hrodna oblast to which he came as an official participant of the public hearings about the possible influence of the nuclear power plant on the ecology. Later the local court sentenced the ecologist to 7 days of jail on charges in hooliganism.

Freedom of expression

In the beginning of December the Ministry of Justice refused to register the news office of the Polish satellite TV channel *BelSat*. The denial was signed by Valer Varanetski, Deputy Foreign Minister. The official reason is that *BelSat* worked in Belarus without accreditation in 2009, thus violating the law.

The Supreme Court dismissed the appeal lodged by Iosif Siaredzich and Maryna Koktysh, the chief editor and a journalist of *Narodnaya Volia*, against the refusal of the Minsk city court to start civil proceedings concerning the refusal of the Chamber of Representatives to accredit the journalist. ‘As far as the question of accreditation of journalists is beyond the competence of the court and the Belarusian legislation doesn’t empower it to consider appeals against accreditation denials, the judge reasonably refused to bring the case,’ reads the letter signed by A.Fedartsou, Deputy Chairperson of the Supreme Court. Maryna Koktysh was denied accreditation two years ago and has been trying to get justice since then.

On 24 December the Ministry of Information issued the private socio-political newspaper *Narodnaya Volia* with a warning for dissemination of allegedly inaccurate information (Article 4 of the Law *On mass media*). It is already the second warning to the newspaper in 2009. The first one was issued on 17 November.

On 28 December the editorial office of the private regional edition *Hazeta Slonimskaya* received a written denial to the request for accreditation of its journalists at the Slonim district executive committee. In the letter signed by Deputy Chairperson of the Slonim district executive committee Dzmitry Dzeshka it is stated that ‘ sittings and counsels held by the executive committee are covered by journalists of the state newspaper *Slonimski Vesnik*, the official press edition of the Slonim district executive committee’.

Death penalty

On 10 December representatives of human rights community acting within the frames of the campaign *Human Rights Defenders Against Death Penalty in Belarus* submitted to the Presidential Administration a petition with the call to annul this kind of punishment that violates the right to life. A copy of the petition was passed to the Chamber of Representatives of the National Assembly of the Republic of Belarus. It was signed by more than 30 well-known cultural and civil activists, human rights defenders, lawyers and scientists.

The Office of the UN Supreme Commissioner on Human Rights received the commentary of the Belarusian government to the individual communication of the death convict Andrei Zhuk’s mother. In this document the authorities appealed against the legitimacy of the communication and state that Andrei hadn’t depleted all national means of defense (they consider clemency petition to the President as one of such means).

Freedom of association

9 December the Ministry of Justice refused to register the Belarusian Christian Democracy Party. Inaccurate information about the regional as-

semblies of the party founders was cited as the official reason. It was the second registration denial to BCD in 2009. According to co-Chairperson of the party Vital Rymasheuski, there were dozens of cases when founders of the party were summoned to the ideological departments of executive committees or educational establishments and threatened. As a result, signatures were revoked by five persons.

On 15 December the Supreme Court of Belarus dismissed the appeal of the organizing committee of the Belarusian Party of Workers against the non-registration of the latter by the Ministry of Justice. Aliaksandr Bukhvostau, Chairperson of the organizing committee, refers to cases of intimidation of founders of the party, as a result of which some of them revoked their signatures. He also stated that the organizing committee would start preparing to a new constituent assembly.

On 18 December the second constituent assembly of the Assembly of Pro-Democratic NGOs took place in Minsk. The first attempt of the Assembly to legalize its activities was unsuccessful. Aliona Valynets, Chairperson of the Executive Bureau of the Assembly of Pro-democratic NGOs, expressed the hope that the recent election of the Assembly representative Siarhei Matskevich to the position of Speaker of the Eastern Partnership Civil Society Forum could positively influence the decision of the Ministry of Justice on registration of the organization.

On 29 December the Brest oblast court dismissed the claim of the co-founders of the human rights civil association *Berastseyskaya Viasna* against its non-registration by the main justice department of the Brest city executive committee. The judge agreed with the opinion of a CEC representative that presenting a copy of the receipt for the state registration fee instead of the original was an incorrigible mistake and was a sufficient reason for non-registering the association.

On 29 December the Hrodna oblast court considered the complaint of members of the *Zalaty Leu* against the justice department of the Hrodna oblast executive committee that had refused to register the *Zalaty Leu*, and left the decision on non-registration in force. As stated by representative of the NGO Ales Masiuk, the judge confessed that most reasons for non-registration of the NGO were wire-drawn, but agreed that according to the registration documents the organization Board had too many powers, which allegedly contradicts to the Civil Code.

Tortures and abductions of civil and political activists

5 December two unidentified persons in mufti assaulted the leader of *Young Front* Zmitser Dashkevich near his apartment and pulled him into a bus. They pulled two caps down over his eyes so that he couldn't see anything and took him to a forest located about 70 km from Minsk. There they passed a pole through the mantles of his overcoat so that he couldn't move normally for some time, then took the caps off his head and drove away.

On 6 December Yauhen Afnahel, an activist of the civil campaign *European Belarus*, was seized by people in mufti in Bialinski Street in Minsk. He was taken into a car, ordered to lay his head down on the knees so that he couldn't look in the window and driven around the city for about 20 minutes. Then the unidentified persons drove several kilometers in Barysau direction, halted and ordered him to go out. Before driving away they took out the battery from his mobile phone.

Human rights defenders consider such seizures of citizens and politically motivated kidnappings, which is a criminal offence. Such actions are conducted by representatives of law machinery, are evidently unlawful and gravely violate such human rights as security of person.

In the middle of December the Leninski district procuracy in Brest refused the *Young Front* activist Mikhas Iliin in bringing a criminal case against the policemen and persons in mufti who had inflicted bodily injures to him. The refusal was signed by investigator Aliaksandr Yaroshyk. On 17 September the activist had been beaten at a picket near the monument to the 1000th anniversary of Brest by policemen directed by a person in mufti. Besides, M.Iliin had been fined for participation in the unauthorized picket.

On 18 December officers of the organized crimes section of the Valozhyn district police department interrogated the administration of the Ivianets branch of the disgraced Union of Poles in Belarus. Policemen checked up

the documents and asked about the economical activities of the organization. The administration of the Valozhyn district police department refused to comment on the reasons for the check-up within the frames of which the interrogation was conducted. Before this, the Ivianets UPB branch had been checked up by the State Control Committee.

Freedom of conscience

On 8 December the College Board of the Supreme Economic Court made up of Judges Siarhei Kulakouski, Aksana Mikhniuk and Stsiapan Turmovich dismissed the complaint of the Protestant church *New Life* and left in force the ruling on the eviction of the believers from their temple. The parishioners stated they were not going to pass their building to the city authorities. On 29 December the *New Life* filed a petition with Vasil Dzemidovich, Deputy Chairperson of the Supreme Economic Court, asking him to appeal against the ruling of the Supreme Economic Court and the Minsk Economic Court about the eviction of the church from the building in Kavaliou Street, 72 in Minsk.

Residence permits weren't extended to three Polish priests. According to information of the *Polish Radio*, the official reason was serving masses in the Polish language.

Freedom to peaceful assemblies

10 December the authorities disrupted the festive action *Human Rights Tramway*, organized by the Belarusian Helsinki Committee. Members of the organization rented a tramway in order to drive by one of the usual routes handing out human rights brochures to the passengers, telling them about human rights and treating them with cake and tea.

Viachaslau Bolbat, Siarhei Housha and Viktar Syrytsa lodged with the procuracy a complaint against the Baranavichy city executive committee that had failed to provide them with a timely answer to their application for authorization of a picket dated to the Human Rights Day. The Baranavichy activists asked the procuracy to hold a check-up and give a legal evaluation to the inaction of officers of the executive committee.

Alena Papova, Deputy Chairperson of the Kastrychnitski district court in Vitsebsk on civil affairs, dismissed the complaint of the local human rights defenders against the prohibition of a picket dated to 10 December. The Kastrychnitski district executive committee of Vitsebsk banned the action on the grounds that the human rights defenders hadn't concluded agreements with the police, ambulance and the community services. The human rights defenders also asked the court to find unlawful Ruling 881 *On mass actions*, issued by the Vitsebsk city executive committee on 10 July 2009. Predictably enough, Judge Papkova took the side of the authorities.

9. Politically motivated expulsions from educational establishments and dismissals from work

On 3 December Tatsiana Shaputska, Press Secretary of *Young Front*, was expelled from the second year of the juridical faculty of Belarusian State University because of participation in the Civil Society Forum in Brussels in November 2009. T.Shaputska was one of the best students. Her average grade was 8,5 out of 10. Just one week was left to the winter exam session. That's why the expelled student filed a complaint with Education Minister Aliaksandr Radzkou and petitioned the Rector's Office for reinstatement at the place of study. Together with the text of the petition she passed about 400 signatures of BSU students in her support. 'The surnames of the students that had to revoke their signatures under the pressure, are crossed out – let Mr. Ablameika (*Rector*) see the results of activities of the administration of the juridical faculty and the student dormitory,' said Tatsiana Shaputska.

The Human Rights Center Viasna *(www.spring96.org) is a non-governmental human rights organization that was established in April 1996, following the mass actions of protest that were held by the democratic opposition in Belarus and ended with arrests. At first the organization was called* Viasna-96 *and dealt with rendering assistance to the families of victims of repressions.*

On 15 June 1999 the organization was registered as the Human Rights Center Viasna *– a republican civil association having the central office in Minsk and regional offices in the majority of large towns and cities throughout Belarus.*

On 28 October 2003, the Human Rights Center Viasna *was groundlessly dissolved for participation in the monitoring of the presidential elections 2001 by verdict of the Supreme Court of Belarus. On 6 March the Human Rights Center* Viasna *was accepted in the International Federation for Human Rights (FIDH). On 24 April Ales Bialiatski, Chairperson of the HRC* Viasna*, was elected vice-Chairperson of this influential international organization.*

In July 2007 the UN Human Rights Committee concluded that the forced dissolution of Viasna *is a violation by the state of Article 22, paragraph 1 of the International Covenant of Civil and Political Rights, and that its members had the right to adequate means of legal defense including the re-registration of* Viasna *and compensation.*

As a result, the human rights organization made three attempts to register with the state. However, in violation of the decision of the UN Human Rights Committee, the Ministry of Justice of Belarus thrice refused to register the Human Rights Center Viasna *during the recent years. The appropriate rulings of the Ministry of Justice were appealed at the Supreme Court, but were let stand. In summer 2009, after the last registration denial, the human rights defenders stated that they had worked and would continue working on behalf of the Human Rights Center* Viasna *irrespective of the legal status.*